THE

Raj Sawai Jaipur

CRIMINAL PROCEDURE CODE.

1926.

The Excelsior Press, Lucknow.

COMPARATIVE TABLE.

Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure	Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure
CHAPTER I	CHAPTER I	Sec. 36	Sec. 47
Sec. 1	Sec. 1	,, 37	,, 48
,, 2	,, 2	,, 38	,, 49
,, 3	,, 4	,, 39	,, 50
,, 4	,, 5	,, 40	,, 51
CH. II	CH. II	,, 41	,, 52
Sec. 5	Sec. 6	,, 42	,, 53
,, 6	...	,, 43	,, 54
,, 7	Sec. 7	,, 44	,, 55
,, 8	,, 9	,, 45	,, 56
,, 9	,, 10	,, 46	,, 57
,, 10	,, 11	,, 47	,, 58
,, 11	,, 12	,, 48	,, 59
,, 12	,, 14	,, 49	,, 60
,, 13	,, 15	,, 50	,, 61
,, 14	,, 16	,, 51	,, 62
,, 15	,, 17	,, 52	,, 63
,, 16	,, 26	,, 53	,, 64
CH. III	CH. III	,, 54	,, 65
Sec. 17	Sec. 28	,, 55	,, 66
,, 18	,, 29	,, 56	,, 67
,, 19	,, 29B.	CH. VI	CH. VI
,, 20	,, 31	Sec. 57	Sec. 68
,, 21	,, 32	,, 58	,, 69
,, 22	,, 33	,, 59	,, 70
,, 23	,, 35	,, 60	,, 71
,, 24	...	,, 61	...
,, 25	Sec. 36	,, 62	...
,, 26	,, 37	,, 63	...
,, 27	,, 38	,, 64	Sec. 73
,, 28	,, 39	,, 65	,, 74
,, 29	,, 40	,, 66	,, 75
,, 30	,, 41	,, 67	,, 76
CH. IV	CH. IV	,, 68	,, 77
Sec. 31	Sec. 42	,, 69	,, 79
,, 32	,, 43	,, 70	,, 80
,, 33	,, 44	,, 71	,, 81
,, 34	,, 45	,, 72	,, 82
CH. V	CH. V	,, 73	,, 83
Sec. 35	Sec. 46	,, 74	,, 84

Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure.	Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure.
Sec. 75	Sec. 85	Sec. 113	Sec. 116
,, 76	,, 86	,, 114	,, 117
,, 77	,, 87	,, 115	,, 118
,, 78	,, 88	,, 116	,, 119
,, 79	,, 89	,, 117	,, 120
,, 80	,, 90	,, 118	,, 121
,, 81	,, 91	,, 119	,, 122
,, 82	,, 92	,, 120	,, 123
,, 83	,, 93	,, 121	,, 124
CH. VII	CH. VII	,, 122	,, 126
Sec. 84	Sec. 94	,, 123	,, 126A.
,, 85	...	CH. IX	CH. IX
,, 86	Sec. 95	Sec. 124	Sec. 127
,, 87	,, 96	,, 125	,, 128
,, 88	,, 97	,, 126	,, 129
,, 89	,, 98	,, 127	,, 130
,, 90	,, 99	,, 128	,, 132
,, 91	,, 99A.	CH. X	CH. X
,, 92	,, 99B.	Sec. 129	Sec. 133
,, 93	,, 99C.	,, 130	,, 134
,, 94	,, 99D.	,, 131	,, 135
,, 95	,, 99E	,, 132	,, 136
,, 96	,, 99F	,, 133	,, 137
,, 97	,, 99G.	,, 134	,, 139A.
,, 98	,, 100	,, 135	,, 140
,, 99	,, 101	,, 136	,, 142
,, 100	,, 102	,, 137	,, 143
,, 101	,, 103	CH. XI	CH. XI
,, 102	,, 104	Sec. 138	Sec. 144
,, 103	,, 105	CH. XII	CH. XII
CH. VIII	CH. VIII	Sec. 139	Sec. 145
Sec. 104	Sec. 106	,, 140	,, 146
,, 105	,, 107	,, 141	,, 147
,, 106	,, 108	,, 142	,, 148
,, 107	,, 109	CH. XIII	CH. XIII
,, 108	,, 110	Sec. 143	Sec. 149
,, 109	,, 112	,, 144	,, 150
,, 110	,, 113	,, 145	,, 151
,, 111	,, 114	,, 146	,, 152
,, 112	,, 115	,, 147	,, 153

Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure.	Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure
CH. XIV	CH. XIV.	Sec. 186	Sec. 196A.
Sec 148	Sec. 154	" 187	" 196B.
" 149	" 155	" 188	" 197
" 150	" 156	" 189	" 198
" 151	" 157	" 190	" 199
" 152	" 159	" 191	" 199A.
" 153	" 160	CH. XVI	CH. XVI
" 154	" 161	Sec. 192	Sec. 200
" 155	" 162	" 193	" 201
" 156	" 163	" 194	" 202
" 157	" 164	" 195	" 203
" 158	" 165	CH. XVII	CH. XVII
" 159	" 166	Sec. 196	Sec. 204
" 160	" 167	" 197	" 205
" 161	" 168	CH. XVIII	Ch. XVIII
" 162	" 169	Sec. 198	Sec. 206-210
" 163	" 170	" 199	" 211
" 164	" 171	" 200	" 213
" 165	" 172	" 201	" 215
" 166	" 173	" 202	" 216
" 167	" 174	" 203	" 217
" 168	" 175	" 204	" 218
" 169	" 176	" 205	" 219
CH XV	CH. XV	" 206	" 220
Sec. 170	Sec. 177	CH. XIX	CH. XIX
" 171	" 178	Sec. 207	Sec. 221
" 172	" 179	" 208	" 222
" 173	" 180	" 209	" 223
" 174	" 181	" 210	" 224
" 175	" 182	" 211	" 225
" 176	" 183	" 212	" 226
" 177	" 185	" 213	" 227
" 178	" 186	" 214	" 228
" 179	" 187	" 215	" 229
" 180	" 190	" 216	" 230
" 181	" 191	" 217	" 231
" 182	" 192	" 218	" 232
" 183	" 193	" 219	" 233
" 184	" 195	" 220	" 234
" 185	" 196	" 221	" 235

Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure.	Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure.
Sec. 75	Sec. 85	Sec. 113	Sec. 116
,, 76	,, 86	,, 114	,, 117
,, 77	,, 87	,, 115	,, 118
,, 78	,, 88	,, 116	,, 119
,, 79	,, 89	,, 117	,, 120
,, 80	,, 90	,, 118	,, 121
,, 81	,, 91	,, 119	,, 122
,, 82	,, 92	,, 120	,, 123
,, 83	,, 93	,, 121	,, 124
CH. VII	CH. VII	,, 122	,, 126
Sec. 84	Sec. 94	,, 123	,, 126A.
,, 85	...	CH. IX	CH. IX
,, 86	Sec. 95	Sec. 124	Sec. 127
,, 87	,, 96	,, 125	,, 128
,, 88	,, 97	,, 126	,, 129
,, 89	,, 98	,, 127	,, 130
,, 90	,, 99	,, 128	,, 132
,, 91	,, 99A.	CH. X	CH. X
,, 92	,, 99B.	Sec. 129	Sec. 133
,, 93	,, 99C.	,, 130	,, 134
,, 94	,, 99D.	,, 131	,, 135
,, 95	,, 99E	,, 132	,, 136
,, 96	,, 99F	,, 133	,, 137
,, 97	,, 99G.	,, 134	,, 139A.
,, 98	,, 100	,, 135	,, 140
,, 99	,, 101	,, 136	,, 142
,, 100	,, 102	,, 137	,, 143
,, 101	,, 103	CH. XI	CH. XI
,, 102	,, 104	Sec. 138	Sec. 144
,, 103	,, 105	CH. XII	CH. XII
CH. VIII	CH. VIII	Sec. 139	Sec. 145
Sec. 104	Sec. 106	,, 140	,, 146
,, 105	,, 107	,, 141	,, 147
,, 106	,, 108	,, 142	,, 148
,, 107	,, 109	CH. XIII	CH. XIII
,, 108	,, 110	Sec. 143	Sec. 149
,, 109	,, 112	,, 144	,, 150
,, 110	,, 113	,, 145	,, 151
,, 111	,, 114	,, 146	,, 152
,, 112	,, 115	,, 147	,, 153

Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure.	Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure.
Sec. 295	Sec. 378	Sec. 331	Sec. 415
,, 296	,, 379	,, 332	,, 415A.
,, 297	,, 380	,, 333	......
CH. XXVII	CH. XXVIII	,, 334	Sec. 418
Sec. 298	Sec. 381	,, 335	,, 419
,, 299	,, 382	,, 336	,, 420
,, 300	,, 383	,, 337	,, 422
,, 301	,, 384	,, 338	,, 423
,, 302	,, 385	,, 339	,, 424
,, 303	,, 386	,, 340	,, 425
,, 304	,, 387	,, 341	,, 426
,, 305	,, 388	,, 342	,, 427
,, 306	,, 389	,, 343	,, 428
,, 307	Secs. 390&391	,, 344	,, 429
,, 308	Sec. 392	,, 345	,, 430
,, 309	,, 393	,, 346	,, 431
,, 310	,, 394	CH. XXXI	CH. XXXII
,, 311	,, 395	Sec. 347	Sec. 435
,, 312	,, 396	,, 348	,, 437
,, 313	,, 397	,, 349	,, 436
,, 314	,, 398	,, 350	,, 438
,, 315	,, 399	Sec. 351	Sec. 439
,, 316	,, 400	,, 352	,, 442
CH. XXVIII	CH. XXIX	CH. XXXII	CH. XXXIV
Sec. 317	Sec. 401	Sec. 353	Sec. 461
,, 318	,, 402	,, 354	......
CH. XXIX	CH. XXX	,, 355	Sec. 466
Sec 319	Sec. 403	,, 356	,, 467
CH XXX	CH. XXXI	,, 357	,, 468
Sec. 320	Sec. 404	,, 358	,, 469
,, 321	,, 405	,, 359	,, 470
,, 322	,, 406	,, 360	,, 471
,, 323	,, 406A.	,, 361	,, 472
,, 324	......	,, 362	,, 473
,, 325	Sec. 407	,, 363	,, 474
,, 326	,, 408	,, 364	,, 475
,, 327	,, 409	CH. XXXIII	CH. XXXV
,, 328	,, 410	Sec. 365	Sec. 476
,, 329	,, 412	,, 366	,, 476A.
,, 330	,, 413	,, 367	,, 476B.

Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure.	Section of the Jaipur Code of Criminal Procedure.	Corresponding section of the British Indian Code of Criminal Procedure
Sec. 368	Sec. 478	Sec. 403	Sec. 515
,, 369	,, 479	,, 404	,, 516
,, 370	,, 480	CH. XXXIX	CH. XLIII
,, 371	,, 481	Sec. 405	Sec. 516A.
,, 372	,, 482	,, 406	,, 517
,, 373	,, 483	,, 407	,, 518
,, 374	,, 484	,, 408	,, 519
,, 375	,, 485	,, 409	,, 520
,, 376	,, 486	,, 410	,, 521
,, 377	,, 487	,, 411	,, 522
CH. XXXIV	CH. XXXVIII	,, 412	,, 523
Sec. 378	Sec. 492	,, 413	,, 524
,, 379	. .	,, 414	,, 525
,, 380	Sec. 494	CH. XL	CH. XLIV
,, 381	,, 495	Sec. 415	Sec. 526
CH. XXXV	CH. XXXIX	,, 416	,, 528
Sec. 382	Sec. 496	CH. XLI	CH. XLV
,, 383	,, 497	Sec. 417	Sec. 529
,, 384	,, 498	,, 418	,, 530
,, 385	,, 499	,, 419	,, 531
,, 386	,, 500	,, 420	,, 532
,, 387	,, 501	,, 421	,, 533
,, 388	,, 502	,, 422	,, 535
CH. XXXVI	CH. XL	,, 423	,, 537
Sec. 389	Sec. 503	,, 424	,, 538
,, 390	. .	CH. XLII	CH. XLVI
,, 391	Sec. 505	Sec. 425	Sec. 539
,, 392	,, 506	,, 426	,, 539A.
,, 393	,, 507	,, 427	,, 539B.
,, 394	,, 508	,, 428	,, 540
CH. XXXVII	CH. XLI	,, 429	,, 540A.
Sec. 395	Sec. 509	,, 430	,, 541
,, 396	,, 510	,, 431	,, 543
,, 397	,, 511	,, 432	,, 544
,, 398	,, 512	,, 433	,, 545
CH. XXXVIII	CH. XLII	,, 434	,, 546
Sec. 399	Sec. 513	,, 435	,, 546A.
,, 400	,, 514	,, 436	,, 547
,, 401	,, 514A.	,, 437	,, 548
,, 402	,, 514B.	,, 438	,, 549

Section of the Jaipur Code of Criminal Procedure.		Corresponding section of the British Indian Code of criminal Procedure.		Section of the Jaipur Code of Criminal Procedure.		Corresponding section of the British Indian Code of Criminal Procedure.	
Sec.	439	Sec.	550	Sec.	449	Sec.	562
„	440	„	551	„	450	„	563
„	441	„	552	„	451	„	564
„	442	„	554	„	452	„	565
„	443	„	555	„	453	....	
„	444	„	556	Schedule	I	Schedule	II
„	445	„	558	„	II	„	III
„	446	„	559	„	III	„	IV
„	447	„	560	„	IV	„	V
„	448	„	561A.				

ERRATA

TABLE OF CONTENTS

Page	Section	Line	
i	2		for 'Hadayats' read 'Hidayats'
ii	13	7	for 'such Court to' read 'Courts of'
iv	74	2	for 'jurisdection' read 'Jurisdiction'
v	106	1	for 'dissiminating' read 'disseminating'
vi	Chapter XII		for (section) '138' read (section) '139'
xii	In Chapter XXIV		for (section) '177' read (section) '277'
xiii	301	1	for 'Execution' read 'execution'
xiv	326	1	for 'Session's Judge' read 'Sessions Judge'
	339	1	for 'Appeallate courts' read 'Appellate courts'
xv	346	1	for 'Abatements' read 'Abatement'
	356	1	for 'trials' read 'trial'
	357	1	for 'courts' read 'Court'
	360	3	for 'Inspector General' read 'Superintendent Jails'
xvi	373	1	for 'Where' read 'When'
	384	1	for 'admimmion' read 'admission'

SECTIONS

Page	Section	line	
1	1 (1)	3	for 'November 1925' read 'July 1926'
	2 (1)	1	for 'November 1925' read 'July 1926'
2	3 (1)(d)	3	for 'his' read 'its'
10	23 (1)	6	for 'inflict,' read 'inflict';
	23 (Marginal note)		for 'Sentences' read 'Sentence'
15	41 M. note		for 'woman' read 'women'
16	43	1	for 'firstly' read 'first'
	Para seventh	11	detele 'and'
	Eighth	3	after section (3); add 'and'.
19	51	2	for 'case' read 'cases'
	53	4	add 'may' after 'and'
23	68 (1)	3	add 'a' after 'such'
26	78 (3) (c)	2	for 'to or' read 'or to'
27	78 (6) proviso	3	insert 'be' between 'objector' and 'continued'
30	85 (4)	1	for 'of' read 'or'
38	107 (a)	5	for 'an' read 'any'
41	115 (1)	1	for '115 (1)' read '115'
45	121 (1.	1	for 'or' read 'of'
	121 (6)	3	for 'he' read 'it'

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TABLE OF CONTENTS

Page	Section	Line	
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	357	1	for 'courts' read 'Court'
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xvi	373	1	for 'Where' read 'When'
	384	1	for 'admimmion' read 'admission'

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Page	Section	line	
1	1 (1)	3	for 'November 1925' read 'July 1926'
	2 (1)	1	for 'November 1925' read 'July 1926'
2	3 (1)(d)	3	for 'his' read 'its'
10	23 (1)	6	for 'inflict,' read 'inflict';
	23 (Marginal note)		for 'Sentences' read 'Sentence'
15	41 M. note		for 'woman' read 'women'
16	43	1	for 'firstly' read 'first'
	Para seventh	11	detele 'and'
	Eighth	3	after section (3); add 'and'.
19	51	2	for 'case' read 'cases'
	53	4	add 'may' after 'and'
23	68 (1)	3	add 'a' after 'such'
26	78 (3) (c)	2	for 'to or' read 'or to'
27	78 (6) proviso	3	insert 'be' between 'objector' and 'continued'
30	85 (4)	1	for 'of' read 'or'
38	107 (a)	5	for 'an' read 'any'
41	115 (1)	1	for '115 (1)' read '115'
45	121 (1.	1	for 'or' read 'of'
	121 (6)	3	for 'he' read 'it'

97	230 (1) Proviso	3	for 'comma' after 'Court' read 'fullstop'
	231	1	insert 'comma' after 'Magistrate'
	232	3	insert 'comma' after 'which'
		4	insert 'comma' after 'proved'
98	233	2	insert 'the' before 'appearance'
	235	7	insert 'may' before thereupon' for 'realease' read 'release'
	236 (1)	8	for 'of' read 'or'
		9	insert 'comma' after 'acquittal'
99	236 (2)	4	for 'frivolus' read frivolous
	236 (6)	3	insert 'so' between 'been' and 'ordered'
	(7)	6	for 'when' read 'where'
100	240	8	for 'chage' read 'charge'
101	243 (1)	2	insert 'comma' after 'tried'
		8	insert 'cómma' after 'recalled'
	243 (2)	2	insert 'the' between 'with' and 'record'
103	250	2	for 'Chapter XVII' read 'Chapter XVIII'
	251 (2)	3	insert 'comma after 'offence' delete comma after 'then'
104	253 marginal note		for 'Fight' read 'Right'
	255	2	insert comma after "concluded" and insert "the" before "Judge"
		3	insert comma after "accused"
		4	insert comma after 'convicted'
113	269	7	insert comma after 'shall'
		9	insert comma after 'accused'
		12	for colon read fullstop
	270 (1)	8	insert comma after '104'
		9	for 'submithis' read 'submit his' and add 'the' after forward'
114	271 (1)	8	insert hyphen after re
	271 (1) Proviso (*b*)	1	for 'Magistrate,' read 'Magistrates'
115	274 Proviso	4	Delete comma after 'person'
	277 (1)	1	for 'Court of Session' read 'Courts of Session'
		3	insert comma after 'Magistrates'
116	277 (1)	3	for 'Session Judge' read 'Sessions Judge'
	277 (3)	4	insert comma after 'proceeds'
117	282 (1)	2	insert comma after 'Court'
118	283	4	for 'Evidence' read 'evidence'
119	284 (3)	1	for 'the' read 'any'
120	289 Marginal Note		for 'Judgment when to be translated'

			read 'Judgment to be filed'
	291	3	insert comma after "sentence"
123	300 Marginal note		delete 'transportation or'
	300	4	add 'a-warrant' after 'forward'
	302	1	for comma read fullstop after '302'
	303 (1) (b)	1	for, 'Nazimat' read 'Nizamat'
124	305 (1) (b)	7	insert comma ofter 'there of'
		9	insert comma after 'instalment'
127	313	2	add 'other than one for life' after 'imprisonment'
		5	insert comma after 'sentenced'
	313 Proviso	3	insert comma after 'may'
129	317 (1)	2	insert comma after 'may'
		3	" 'time'
	317 (2)	3	" 'Court'
		4	" 'confirmed'
	317 (3)	1	" 'condition'
129	317 (3)	2	insert comma after 'remitted'
			" after 'Durbar'
	317 (4)	1	" after 'condition'
132	321 Marginal note		for 'acttached' read 'attached.'
	322	2	for 'of' read 'or'
	323	3	insert comma after '119'
133	326 Marginal note		add 'from' after 'Appeal'
	326 Proviso (b)		for 'wher' read 'when'
	327 Proviso	2	delete comma after 'Special
		3	for 'order, or' read, 'order, direct or'
	328	2	for 'Jude' read 'Judge'
134	329	3	for 'Sessions' read 'Session'
135	333	1	insert comma after Magistrate'
136	338	5	add 'and the Public prosecutor if he appears' after 'appears,'
	338 (a)	4	insert comma after 'trial'
	(b)	11	add 'but,' before 'subject'
139	348	8	insert comma after 'inquiry'
		9	insert comma after "been"
		10	insert comma after "Magistrate"
140	349 Proviso		insert comma after 'discharged.'
	350 Marginal note		for 'pwer' read 'powers'
142	353 (1)	2	for 'the' read 'his'
143	358	11	for 'Chief Court' read 'Court of Session,'
144	360 (2) Marginal note		for 'Inspector General' read 'Superintendent Jails' and for "function read functions"

	362	8	for '468' read '357'
	363 (1)	2	add 'and' after 360
	363 (1) Marginal Note		add 'fit to be released' 'after declared'
145	364 (1)	3	for '560 read '360'
146	366	2	for 'Court' read 'Courts'
147	370	1	for '166' read '164'
148.	374	5	add 'for' before 'any'
153	385 Marginal Note.		for 'suresties' read 'sureties'
153	388	4	add 'a' before 'Magistrate'
154	In the heading to Chapter XXXVI for 'Commission' read 'Commissions'.		
	389 (1)	5	add 'the' after 'for'
		11	add 'local' after 'the'
	390 (1)	5	for 'as' read 'at'.
155	392	7	for 'witnesses' read 'witness'.
156	396	3	for 'Government' read 'the State'.
160	404	3	for 'such' read 'the'
161	407 Marginal Note,		Delete 'or Sub divisional'.
	410 (1)	2	add 'section' before '491'
162	412 (2)	5	for 'if' read 'it'
166	417 (g)	1	delete 'or section 258'. and insert semi-colon after 257
169	425	1	for 'any' read 'the'
		3	add 'or any Commissioner or other person appointed by such Court for the purpose, or any Judge'.
171	Number the fresh para after section '430 (2)' as '(3)'		
	432	3	insert 'the' before 'State'
177	449 (1) Proviso		for 'Provieed' read 'Provided'.
178	The first para should be '450 (1)' instead of '450 (2)'		
	452	3	add '477' after '476'
		11	for 'of' read 'or'
179	453	1	for 'or' read 'of'.

Page	Section	Column	Line	
8	111	4	1	add 'a' after 'as'.
		8	11	add 'or' before 'magistrate'
9	111	7	4	for 'and' read 'or'
	112	2	6	add 'the' before 'Ruler'
10	117	8	5	for 'speeially' read 'specially'
13	128	2	4	add 'if the offence be' between 'soldier' and 'committed'.
		3	1	for 'My' read 'May'
14	129	2	2	for 'carring' read carrying
15	131	2	4	add 'that' before 'it'

19	149	1	1	delete '149'
	151	2	7	for 'Act' read 'act'
26	170	4	1	for 'Summons' read 'Warrant'
	171	4	1	for 'Ditto' read 'Summons'
33	191	7	2	for 'eit er' read 'either'
	192	4	1	for Ditto' read 'Warrant'
	194	2	1	for 'pers nation' read 'personation'
		8	1	for 'ourt' read 'Court'
34	196	2	9	for 'und :' read 'under'
35	199	7	3	for 'year' read 'years'
37	203	2	10	for 'then' read 'than'
		7	22	for 'o' read 'of'
40	210	8	1	for Sesston read 'Session'
49	234	8	2	add 'or second' betwen 'first' and 'class'
	236	2	5	for 'Court' read 'Government'
50	240	7	4	for 'and fine' read 'or fine or both'
	241	8	2	delete 'the'
51	242	8	2	add 'or second between 'first' and 'class'
	243	8	2	for 'Magistra' read 'Magistrate
	244	8	1	for 'o' read 'of'
55	263	5	1	for 'Diito' read 'Ditto'
56	267	3	1	for 'ararest' read 'arrest'.
58	275	8	1	for 'Mrgistrate' read 'Magistrate'
63	296 para 2			add 'Ditto' in Columns 3, 4, 5 and 6
	296 para 3	7		Read column 7 as 'Death or as above'
64	300	7	1	for 'Imprisenment' read 'Imprisonment'.
	301	8	1	for 'Ditto' read 'Court of Session.'
65	303	5	1	for 'Diito' read 'Ditto.'
68	318	4	1	for 'summons' read 'Ditto.'
69	323	-	5	for 'then' read 'than'
		4	1	for 'Ditto' read 'Summons.'
		7	1	for 'Imprisonmetn' read 'Imprisonment.'
70	Heading		3	for 'Offences relating to religions' read 'Offences affecting the Human body.'
	Heading of columm 4		6	for 'stance' read 'tance'
	324	3	1	for 'arrets' reade arrest.'
		6	5	for 'be fore' read 'before'
71	326	6	5	for 'be fore' read 'before'
78				between section '365' & '366' add the heading 'OF UNNATURAL OFFENCES'

79	370	2	4	for 'Master' read 'master,'
80	373	7	4	for 'and' read 'or'
81		1		for '379' read '378'
87	400	8	3	add 'or' after 'first'
95	439 para 1	8	2	for 'Magistra' read 'Magistrate.'
95	,, ,, 2	1		delete '439 contd' in
96	442 para 1	7	3	for '3 years,' read '5 years,'
	,, ,, 2	1		Delete '442 contd' in
99	454	7	4	for 'or fine or both' read 'and fine
101	459 para 2	1		Delete '459 contd'
103	461	7	4	for 'or' read 'and'
	462	7	4	for 'or fine or both' read 'and fine'
104	469	6	7	for 'i' read 'is'
105	472	7	3	for 'years' read 'year'
106	476	2	1	for 'counterfeifing' read 'counterfeiting'
107	480	7	4	for 'months' read 'month.'
108	482	8	2	for 'and' read 'or.'
109	484	2	3	delete 'or wife.'
	485	6	1	for 'Ditto' read 'Not compoundable'
		7	4	for 'or fine or both' read and fine
110	487	7	3	for '7 years' read '5 years' add '488' in columm 1 opposite the offence 'Enticing or taking away etc. in columm 2.

CHAPTER III
Powers of Court

PART III.
General Provisions.
CHAPTER IV.
Of aid and information to the Magistrates, the Police and Persons making Arrests.

CHAPTER V.
Of Arrest, Escape and Retaking.

B.—Arrest without warrant.

CHAPTER VI.

OF PROCESSES TO COMPEL APPEARANCE.

A.—Summons.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

Of the jurisdiction of the Criminal Courts in Inquiries and Trials.

A.—Place of Inquiry or Trial

CHAPTER XVI.

Of Complaints.

CHAPTER XVII.

Of the commencement of proceedings before magistrates.

CHAPTER XVIII.

Procedure in cases found at the trial to be cognizable exclusively by the court of Session,

CHAPTER XIX.

Of the Charge.

Form of charges.

CHAPTER XX.

Of the trial of Summons cases by Magistrates

CHAPTER XXVI.

Of the Submission of sentences for confirmation

CHAPTER XXVII.

Of Execution.

CHAPTER XXXI.

Of Reference and Revision.

PART VIII.

Special Proceedings

CHAPTER XXXII.

Lunatics

CHAPTER XXXIII.

Proceedings in case of certain Offences affecting the Administration of justice.

PART IX.

Supplementary Provisions

CHAPTER XXXIV.

Of the Public Prosecution.

CHAPTER XXXV.

Of Bail.

CHAPTER XXXVI.

Of Commissions for the Examination of witnesses

390. Examinatio 1 as witness of a woman not appearing in public or of a Tazimi Sardar.
391. Parties may examine witnesses.
392. Power of Subordinate Magistrate to apply for issue of commission.
393. Return of commission.
394. Adjournment of inquiry or trial.

CHAPTER XXXVII.

Special rules of Evidence

395. Deposition of medical witness.
Power to summon medical witness.
396. Report of Chemical Examiner.
397. Previous conviction or acquittal how proved.
398. Record of evidence in absence of accused.
Record of evidence when offender unknown.

CHAPTER XXXVIII.

Provisions as to Bonds.

399. Deposit instead of recognizance.
400. Procedure on forfeiture of bond.
401. Procedure in case of insolvancy or death of surety or when a bond is forfeited.
402. Bond required from a minor.
403. Appeals from and revision of order under section 400.
404. Power to direct levy of amount due on certain recognizances.

CHAPTER XXXIX.

Of the disposal of Property.

405. Order for custody and disposal of property pending trial in certain cases.
406. Order for disposal of property regarding which offence committed
407. Order may take form of reference to District Magistrate
408. Payment to innocent purchaser of money found on accused.
409. Stay of order under sections 406, 407 or 408.
410. Destruction of libellous and other matter.
411. Power to restore possession of immovable property.
412. Procedure by police upon seizure of property taken under Section 40 or stolen.
Procedure where owner of property seized unknown.
413. Procedure where no claimant appears within six months.
414. Power to sell perishable property.

CHAPTER XL.

Of the transfer of Criminal Cases

415. Chief Court may transfer cases or itself try it.
    Notice to Public Prosecutor of application under this section.
    Adjourn ment on application under this section.
416. Sessions Judge may withdraw cases from Assistant Sessions Judge.
    District Magistrate may withdraw or refer cases.
    Power to authorize District Magistrate to withdraw classes of cases.

CHAPTER XLI.

Of Irregular Proceedings.

417. Irregularities which do not vitiate proceedings.
418. Irregularities which vitiate proceedings.
419. [illegible]
420. [illegible] may be validated.
421. [illegible] ons of section 157 or 282.
422. Effect of omission to prepare charge.
423 Finding or sentence when reversible by reason of error or omission in charge or other proceedings.
424. Attachment not illegal, person making same not trespasser for defect or want of form in proceedings.

CHAPTER XLII.

Miscellaneous.

425. Courts and persons before whom affidavits may be sworn.
426. Affidavit in proof of conduct of public servant.
427. Local inspection.
428. Power to summon material witness or examine person present.
429. Provision for inquiries and trial being held in the absence of accused in certain cases.
430. Power to appoint place of imprisonment.
    Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.
431. Interpreter to be bound to interpret truthfully.
432. Expenses of complainants and witnesses.
433. Power of court to pay expenses or compensation out of fine.
434. Payment to be taken into account in subsequent suit.
435. Order of payment of certain fees paid by complainant in non-cognizable cases.

First offenders.

Previously Convicted Offenders.

THE CODE OF CRIMINAL PROCEDURE. JAIPUR.

(Received the assent of the Mahakma Khas on the 5th September 1925).

Whereas it is expedient to consolidate and amend the law relating to Criminal Procedure within the Jaipur territory;

It is hereby enacted as follows:—

PART I.

PRELIMINARY.

CHAPTER I.

Short title and commencement

1. (1) This Act may be called the Jaipur Code of Criminal Procedure, Sambat 1980; and it shall come into force on the 1st ~~November 1925~~. July 1926.

Provided that the Durbar may put the provisions of the Code in force *en bloc* or piece-meal in any local area as it may deem fit.

Extent

(2) It extends to the whole of the Jaipur territory save the local area criminal jurisdiction over which has been ceded by the Durbar to the Government of India.

But nothing herein contained shall affect the prerogative of the Ruler of the State or the provisions of any treaty between the Durbar and the Government of India, or of any agreement between the said Durbar and any Railway Company, or any special jurisdiction or power conferred, or any special form of procedure prescribed, under the said treaty or agreement.

Repeal of Hidayats.

2. (1) On and from the 1st ~~November, 1925~~ July 1926, all the Hidayats, hitherto in force, regulating the procedure of Courts in criminal cases, shall be repealed, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which was then lawful.

(2) The provisions of this Code shall apply to all proceedings instituted after the commencement of this Code and, so far as may be, to all cases pending in any criminal Court when this Code comes into force.

Definitions

3. (1) In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

"Bailable offence" "Non-bailable offence"

(a) "Bailable offence" means an offence shown as bailable in the first schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence:

"Charge"

(b) "Charge" includes any head of charge when the charge contains more heads than one:

"Cognizable offence." "Cognizable case."

(c) "Cognizable offence" means an offence for, and "cognizable case" means a case in, which a police-officer may, in accordance with the first schedule or under any law for the time being in force, arrest without warrant:

"Complaint"

(d) "Complaint" means the allegation made orally or in writing to a Court, with a view to his taking action under this Code, that some person, whether *known or unknown, has committed an offence*, but it does not include the report of a police officer:

"Inquiry."

(e) "Inquiry" includes every inquiry other than a trial conducted under this Code by a Magistrate or Court:

"Investigation."

(f) "Investigation" includes all the proceedings under this Code for the collection of evidence conducted by a police-officer or by any person (other than a Magistrate) who is authorized by a Magistrate in this behalf:

(g) "Judicial proceeding" includes any proceeding in the course of which evidence is or may be legally taken on oath:

"Judicial proceeding"

(h) "Non-cognizable offence" means an offence for, and 'non-cognizable case" means a case in, which a police-officer may not arrest without warrant

"Non-cognizable offence" "Non cognizable case"

(i) "Offence" means any act or omission made punishable by any law for the time being in force;

"Offence."

(j) "Officer in charge of a police-station" includes, when the officer in charge of the police station is absent from the station-house or unable from illness or other cause to perform his duties, the police-officer present at the station-house who is next in rank to such officer and is above the rank of constable;

"Officer in charge of a police station"

(k) "Place" includes also a house, building, tent and vessel;

"Place."

(l) "Pleader" used with reference to any proceeding in any Court, means a pleader or a Mukhtar authorized under any law for the time being in force to practise in such Court, and includes any person appointed with the permission of the Court to act in such proceeding;

"Pleader."

(m) "Police-station" means any post or place declared, generally or specially, by the Durbar to be a police-station, and includes any local area specified by the Durbar in this behalf;

"Police-station"

(n) "Public Prosecutor" means any person appointed under section 378 and includes any person acting under the directions of a Public Prosecutor;

"Public Prosecutor"

(o) "Summons-case" means a case relating to an offence, and not being a warrant-case; and

"Summons case."

(p) "Warrant-case" means a case relating to an offence punishable with death or imprisonment for a term exceeding three months.

"Warrant-case"

(2). Words which refer to acts done, extend also to illegal omissions; and

Words referring to acts

all words and expressions used herein and defined in the Jaipur Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

Words to have same meaning as in Jaipur Penal Code

4. (1) All offences under the Jaipur Penal Code shall be investigated, inquired into, tried and otherwise *dealt with according to the provisions* hereinafter contained.

Trial of offences under Penal Code.

(2) All offences under any other law shall be investigated, inquired into, tried and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences.

Trial of offences against other laws

PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES,

A.—Classes of Criminal Courts.

5. Besides the Chief Court, there shall be four classes of Criminal Courts in Jaipur territory, namely :—

Classes of Criminal Courts.

I. Courts of Session :

II. Magistrates of the First Class :

III. Magistrates of the Second Class:

IV Magistrates of the Third Class.

Power of Durbar to create special tribunal

6. The Durbar may, by general or special order, create a special tribunal, specifying the offences cognizable by, and the persons who are to preside in, such Court, and may prescribe the procedure to be followed by such Court at the trial.

B.—Territorial Divisions.

Sessions divisions and Nizamats

7. (1) Jaipur territory will be divided into Sessions Divisions: and every Sessions Division shall, for the purposes of this Code, be a Nizamat or consist of Nizamats.

Power to fix and alter divisions and Nizamats

(2) The Durbar shall fix and may alter, when necessary, the limits and the number of such Divisions and Nizamats.

C.—Courts and Offices.

Court of Session

8 (1) The Durbar shall establish a Court of Session for every Sessions Division, appoint a Judge of such Court, and direct at what place or places within the said division the Court shall hold its sitting.

(2) The Durbar may also appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such divisions.

District Magistrate

9. In every Nizamat constituting or forming part of a Sessions Division, the Durbar shall appoint a Magistrate of the First Class who shall be called the District Magistrate.

Officers temporarily succeeding to vacancies in office of District Magistrate

10. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the Nizamat, such officer shall, pending the orders of the Durbar, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Subordinate Magistrates

11. (1) The Dúrbar may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any Nizamat; and, may, from time to time, define local areas within which such persons are to exercise all or any of the powers with which they may respectively be invested under this Code.

Local limits of their jurisdiction.

(2) Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such Nizamat.

Special Magistrates

12. (1) The Durbar may confer upon any person all or any of the powers conferred or conferable by or under this Code on a Magistrate of the first, second or third class in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally in any local area.

(2) Such Magistrates shall be called Special Magistrates and shall be appointed for such terms as the Durbar may by general or special order direct.

Benches of Magistrates

13. (1) The Durbar may direct any two or more Magistrates in any place to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferable by or under this Code on a Magistrate of the first, second or third class and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Durbar thinks fit.

Powers exercisable by Bench in absence of special direction.

(2) Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members, who is present taking part in the proceedings as a member of the Bench, belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Power to frame rules for guidance of Benches.

14. Subject to the approval of the Durbar, the Chief Court, may from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any Nizamat respecting the following subjects:—

*(a) the classes of cases to be tried;

(*b*) the times and places of sitting;

(*c*) the constitution of the Bench for conducting trials;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in Session;

(*e*) any other matter touching the exercise of their functions.

Subordination of Magistrates and Benches to District Magistrates,

15. (1) All Magistrates appointed under sections 11 and 12, and all Benches constituted under section 13, shall be subordinate to the District Magistrate, and he may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among such Magistrates and Benches.

Subordination of Assistant Sessions Judges to Sessions Judge

(2) All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Sessions Division they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges.

(3) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Assistant Sessions Judge or, if there be no Additional or Assistant Judge, by the District Magistrate, and such Judge or Magistrate shall have jurisdiction to deal with any such application.

(4) Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 11, 12, and 13, shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided,

D.—Suspension and removal.

Suspension and removal of Judges and Magistrates.

16. All Judges of Criminal Courts, and all Magistrates may be suspended or removed from office by the Durbar.

Subordinate Magistrates

11. (1) The Durbar may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any Nizamat; and, may, from time to time, define local areas within which such persons are to exercise all or any of the powers with which they may respectively be invested under this Code.

Local limits of their jurisdiction.

(2) Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such Nizamat.

Special Magistrates

12. (1) The Durbar may confer upon any person all or any of the powers conferred or conferable by or under this Code on a Magistrate of the first, second or third class in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally in any local area.

(2) Such Magistrates shall be called Special Magistrates and shall be appointed for such terms as the Durbar may by general or special order direct

Benches of Magistrates

13. (1) The Durbar may direct any two or more Magistrates in any place to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferable by or under this Code on a Magistrate of the first, second or third class and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Durbar thinks fit.

Powers exerciseable by Bench in absence of special direction

(2) Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members, who is present taking part in the proceedings as a member of the Bench, belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Power to frame rules for guidance of Benches.

14. Subject to the approval of the Durbar, the Chief Court, may from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any Nizamat respecting the following subjects:—

*(a) the classes of cases to be tried;

(2) An Assistant Sessions Judge may pass any sentence authorised by law, except a sentence of death or of imprisonment for a term exceeding seven years.

Sentences which Magistrates may pass

21. (1) The Courts of Magistrates may pass the following sentences, namely :—

(a) Courts of Magistrates of the first class	Imprisonment for a term not exceeding two years, including such solitary confinement as is authorized by law; Fine not exceeding one thousand rupees; Whipping, if the Magistrate has been specially empowered in this behalf by the Durbar.
(b) Courts of Magistrates of the second class.	Imprisonment for a term not exceeding six months including such solitary confinement as is authorized by law ; Fine not exceeding two hundred rupees ;
(c) Courts of Magistrates of the third class	Imprisonment for a term not exceeding fifteen days; Fine not exceeding fifty rupees.

(2) The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorised by law to pass.

Power of Magistrates to sentence to imprisonment in default of fine.

22. (1) The Court of any Magistrate may award such terms of imprisonment in default of payment of fine as is authorized by law in case of such default :—

22-A The Court of Ma [illegible]
under section 19-a [illegible] cess of the Ma-
ode;
rised by law. excep [illegible] y a Magistrate
imprisonment for a [illegible] n awarded as
nce, the period
[illegible] default of payment of the fine shall not exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

(2) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate, under section 21.

Sentences in cases of conviction of several offences at one trial.

23. (1) When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 59 of the Jaipur Penal Code, sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict, such punishments, when consisting of imprisonment to commence the one after the expiration of the other in such order as the Court may direct, unless the Court directs that such punishments shall run con-currently.

(2) In the case of consecutive sentences, it shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Maximum term of punishment.

Provided as follows:—

(*a*) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years,

(*b*) if the case is tried by a Magistrate, the aggregate punishment shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

(3) For the purpose of appeal, the aggregate of consecutive sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

Convictions under Section 63, Jaipur Penal Code.

24. In cases of conviction falling under Section 63 of the Jaipur Penal Code, if the case is tried by any Magistrate, the punishment shall not exceed twice the amount of the punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

C.—Ordinary and Additional Powers.

Ordinary powers of Magistrates.

25. All District Magistrates and Magistrates of the first, second and third classes have the powers hereinafter respectively conferred upon them by different sections and specified in the second schedule. Such powers are called their "ordinary powers."

Additional powers conferrable on Magistrates.

26. In addition to his ordinary powers, any Magistrate of the first, second or third class may be invested by the Durbar or the Chief Court, as the case may be, with any powers specified in the third schedule as powers with which he may be invested by the Durbar or the Chief Court.

Control of Chief Courts' investing power.

27. The power conferred on the Chief Court by section 26 shall be exercised subject to the control of the Durbar.

D.—Conferment, Continuance and Cancellation of Powers.

Mode of conferring powers.

28. (1) In conferring powers under this Code the Durbar may, by order, empower persons specially by name or in virtue of their office or classes of officials generally by their official titles.

(2) Every such order shall take effect from the date on which it is communicated to the person so empowered.

Powers of officers appointed.

29. Whenever any person holding an office in the service of the Durbar, who has been invested with any powers under this Code throughout any local area, is appointed to an equal or higher office of the same nature, within a like local area, he shall exercise the same powers in the local area in which he is so appointed.

Powers may be cancelled.

30. (1) The Durbar may withdraw all or any of the powers conferred under this Code on any person by it or by the Chief Court.

(2) Any powers conferred by the Chief Court may be withdrawn by the Chief Court.

PART III.

General Provisions.

CHAPTER IV.

Of Aid and Information to the Magistrates, the Police and Persons making Arrests.

Public when to assist Magistrates and police.

31. Every person is bound to assist a Magistrate or police-officer reasonably demanding his aid—

(a) in the taking or preventing the escape of any other person whom such Magistrate or police officer is authorized to arrest;

(b) in the prevention or suppression of a breach of the peace, or in the prevention of any injury attempted to be committed to any railway, canal, telegraph or public property.

Aid to person, other than police-officer executing warrant.

32. When a warrant is directed to a person other than a police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Public to give information of certain offences.

33. (1) Every person, aware of the commission of, or of the intention of any other person to commit, any offence punishable under any of the following sections of the Jaipur Penal Code (namely) 112, 113, 114, 115, 116, 117, 118, 121, 132, 133, 134, 136, 137, 290, 291, 292, 371, 381, 382, 383, 384, 385, 386, 387, 388, 391, 423, 424, 434, 435, 441, 442, 443, 444, and 445, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith *give information to the nearest Magistrate or police* officer of such commission or intention.

(2) For the purposes of this section the term "offence," *includes any act committed at any place out of Jaipur territory* which would constitute an offence if committed in Jaipur territory.

Village-headmen, accountant, landholders and others bound to report certain matters.

34. (1) Every village-headman, village-accountant, village watchman, village police-officer, owner or occupier of land, and the agent of any such owner or occupier in charge of the management of that land and every officer employed in the collection of revenue or rent of land on the part of the Durbar or the Court of Wards, shall forthwith communicate to the n[illegible] officer in-charge of the nearest [illegible] the nearer, any information which [illegible] —

(*a*) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, accountant, watchman or police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(*b*) the resort to any place within, or the passage through, such village of any person whom he knows, or reasonably suspects to be a thug, robber, escaped convict or proclaimed offender;

(*c*) the commission of, or intention to commit, in or near such village, any non-bailable offence or any offence punishable under section 132, 133, 134, 136 or 137 of the Jaipur Penal Code;

(*d*) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances or the discovery in or near such village of any corpse or part of a corpse, in circumstances which lead to a reasonable suspicion that such a death has occurred, or the disappearance from such village of any person in circumstances which lead to a reasonable suspicion that a non-bailable offence has been committed in respect of such person;

(*e*) the commission of, or intention to commit, at any place out of Jaipur territory near such village any act which, if committed in Jaipur territory would be an offence punishable under any of the following sections of the Jaipur Penal Code, namely, 222, 223, 224, 225, 226, 290, 292, 371, 381, 382 383, 384, 385, 386, 387, 388, 391, 423, 424, 434, 435, 442, 443, 444, 445, 476, 477, 478 and 479,

(*f*) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Durbàr, has directed him to communicate information.

(2) In this section, "village" includes village-lands.

CHAPTER V.

OF ARREST, ESCAPE AND RETAKING.

A.—Arrest generally.

Arrest how made

35. (1) In making an arrest the police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting endeavour to arrest.

(2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police-officer or other person may use all means necessary to effect the arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.

Search of place entered by person sought to be arrested

36. If any person, acting under a warrant of arrest, or any police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Procedure where ingress not obtainable.

37. If ingress to such place cannot be obtained under section 36, it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police-officer to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made, he can not otherwise obtain admittance:

Breaking open zanana.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to

withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break open doors and windows for purposes of liberation

38. Any police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restriant

39. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons.

40. Whenever a person is arrested by a police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the police-officer, to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel found upon him.

Mode of searching woman.

41. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

Power to seize offensive weapons.

42. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

B.—Arrest without Warrant.

When police may arrest without warrant.

43 Any police officer may, without an order from a Magistrate and without a warrant, arrest—

firstly, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned.

secondly, any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

thirdly, any person who has been proclaimed as an offender either under this Code or by order of the Durbar;

fourthly, any person in whose possession anything is found, which may reasonably be suspected to be stolen property, and who may reasonably be suspected of having committed an offence with reference to such thing;

fifthly, any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

sixthly, any person reasonably suspected of being a deserter from His Majesty's Army or Navy or Jaipur Army, or of belonging to His Majesty's Indian Marine Service and being illegally absent from that service;

seventhly, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of Jaipur territory, which, if committed in Jaipur territory, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in Jaipur territory; and

eighthly, any released convict committing a breach of any rule made under section 452, sub-section (3);

ninthly, any person for whose arrest a requisition has been received from another police-officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

44. Any officer in charge of a police-station may, in like manner, arrest or cause to be arrested—

Arrest of vagabonds, habitual robbers etc.

(*a*) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or

(*b*) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(*c*) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

45. When any officer in charge of a police-station or any police-officer making an investigation under Chapter XIV requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made. The officer so required shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person, shall show him the order.

Procedure when police-officer deputes subordinate to arrest without warrant.

Refusal to give name and residence

46. (1) When any person who in the presence of a police-officer has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond with or without sureties, to appear before a Magistrate if so required;

Provided that, if such person is not resident in Jaipur territory, the bond shall be secured by a surety or sureties resident in Jaipur territory.

(3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Persuit of offenders into other jurisdictions

47. A police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this Chapter, pursue such person into any place in Jaipur territory.

Arrest by private persons and procedure on such arrest

48. (1) Any private person may arrest any person who in his view commits a non-bailable and cognizable offence, or any proclaimed offender, and, without unnecessary delay, shall make over any person so arrested to a police-officer, or, in the absence of a police-officer, take such person or cause him to be taken in custody to the nearest police-station.

(2) If there is reason to believe that such person comes under the provisions of section 43, a police-officer shall re-arrest him.

(3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 46. If there is no sufficient reason to believe that he has committed any offence, he shall be at once released.

49. A police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police-station.

Person arrested to be taken before Magistrate or officer in charge of police-station.

50. No police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 160, exceed seventy-two hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court

Person arrested not to be detained more than seventy two hours

51. Officers in charge of police-stations shall report to the District Magistrate the case of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Police to report apprehensions

52. No person who has been arrested by a police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Discharge of person apprehended

53. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender, and thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Offence committed in Magistrate's presence.

54. Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Arrest by or in presence of Magistrate

55. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in Jaipur territory.

Power, on escape, to pursue and retake.

56. The provisions of sections 36, 37 and 38 shall apply to arrests under section 55, although the person making any such arrest is not acting under a warrant and is not a police-officer having authority to arrest.

Provisions of sections 36, 37 and 38 to apply to arrests under section 55.

CHAPTER VI.

OF PROCESSES TO COMPEL APPEARANCE.

A.—Summons.

Form of Summons

57. (1) Every summons issued by a Court under this Code shall be in writing in duplicate, signed and sealed by the presiding officer of such Court, or by such other officer as the Chief Court may, from time to time, by rule, direct.

Summons by whom served.

(2) Such summons shall be served by a police-officer, or, subject to such rules as the Durbar may prescribe in this behalf, by an officer of the Court issuing it or other public servant.

Summons how served.

58. (1) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for Summons.

(2) Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

(3) Service of a summons on an incorporated company or other body corporate may be effected by serving it on the secretary, local manager or other principal-officer of the corporation or by registered post letter addressed to the chief officer of the corporation in Jaipur territory. In such case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.

Service when person summoned cannot be found.

59. Where the person summoned cannot by the exercise of due deligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Procedure when service cannot be effected as before provided.

60. If service in the manner mentioned in sections 58 and 59 cannot by the exercise of due diligence be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Issue of process to or against person within British India.

61. Except as provided under this section, sections 62 and 63, no process would be issued to or against any person within British India or local area within Jaipur territory criminal jurisdiction over which has been ceded by the Jaipur Durbar to the Government of India.

(1) When a Court taking cognizance of an offence specified in the schedule to an Extradition Treaty feels satisfied by a preliminary enquiry or otherwise that there is a *prima facie* case against the accused person, it shall report the case with its recommendation for the orders of the Chief Court and may also forward the record to that Court.

(2) The Chief Court may, if satisfied as to the necessity of further action, move the Jaipur Durbar to request the British Resident in writing to issue a summons or warrant as provided in the fourth column of the first schedule, to the District Magistrate of the District in British India within which such person is then reported to be.

(3) Further proceedings in the case will be subject to the action of the Resident taken under the Extradition Treaty for the time being in force, ~~and the case shall be tried by the Court of Session if the accused is extradited.~~

Examination of a witness in British India by commission.

62. Whenever in course of an enquiry or trial or any other proceeding, it appears to the Court that the examination of a witness, then in British India, is necessary in the ends of justice, the examination would ordinarily be by commission, subject to the provisions contained in Chapter XXXVI of this Code.

Such commission shall be issued through the Resident by the Courts authorised in this behalf under Chapter XXXVI.

Provisions of sections 36, 37 and 38 to apply to arrests under section 55.

56. The provisions of sections 36, 37 and 38 shall apply to arrests under section 55, although the person making any such arrest is not acting under a warrant and is not a police-officer having authority to arrest.

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Summons how served.

58. (1) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

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Service when person summoned cannot be found.

59. Where the person summoned cannot by the exercise of due deligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

67. (1) Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

Court may direct security to be taken.

(2) The endorsement shall state—

(*a*) the number of sureties;

(*b*) the amount in which they and the person for whose arrest the warrant is issued, are to be respectively bound; and

(*c*) the time at which he is to attend before the Court.

(3) Whenever security is taken under this section, the officer to whom the warrant is directed shall forward the bond to the Court.

Recognizance to be forwarded

68. (1) A warrant of arrest shall ordinarily be directed to one or more police-officers, but the Court issuing such warrant may, if its immediate execution is necessary and no police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

Warrants to whom directed.

(2) When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

Warrants to several persons.

69. A warrant directed to any police-officer may also be executed by any other police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Warrant directed to police-officer

70. The police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

Notification of substance of warrant.

71. The police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 67 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

Person arrested to be brought before Court without delay

72. A warrant of arrest may be executed at any place in Jaipur territory.

Where warrant may be executed

73. (1) When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a police-officer, forward the same by post or otherwise to any Magistrate or District Superintendent of Police within the local limits of whose jurisdiction it is to be executed.

Warrant forwarded for execution outside jurisdiction.

(2) The Magistrate or District Superintendent to whom such warrant is so forwarded shall endorse his name thereon and, if practicable, cause it to be executed in manner hereinbefore provided within the local limits of his jurisdiction.

74. (1) When a warrant directed to a police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Warrant directed to a police officer for execution outside jurisdiction.

(2) Such Magistrate or police-officer shall endorse his name thereon and such endorsement shall be sufficient authority to the police-officer to whom the warrant is directed to execute the same within such limits and the local police shall, if so required, assist such officer in executing such warrant.

(3) Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or police-officer within the local limits of whose jurisdiction the warrant is to be executed, will prevent such execution, the police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

Procedure on arrest of person against whom warrant issued.

75. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest or is nearer than the Magistrate or District Superintendent of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 67, be taken before such Magistrate or District Superintendent.

Procedure by Magistrate before whom person arrested is brought

76. (1) Such Magistrate or District Superintendent shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court.

Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or District Superintendent, or a direction has been endorsed under section 67 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate, or District Superintendent shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant.

(2) Nothing in this section shall be deemed to prevent a police-officer from taking security under section 67.

C.—Proclamation and Attachment.

Proclamation for person absconding.

77 (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) The proclamation shall be published as follows:—

(a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides:

(*b*) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village; and

(*c*) a copy thereof shall be affixed to some conspicuous part of the Court-house.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

Attachment of property of person absconding

78. (1) The Court issuing a proclamation under section 77 may at any time order the attachment of any property, moveable or immoveable, or both, belonging to the proclaimed person.

(2) Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district when endorsed by the District Magistrate within whose district such property is situate.

(3) The attachment under this section shall be made—

(*a*) by seizure; or

(*b*) by the appointment of a receiver; or

(*c*) by an order in writing prohibiting the delivery of such property to the proclaimed person to or any one on his behalf; or

(*d*) by an order in writing in case of immoveable property prohibiting the payment of rent to the proclaimed person or to any one on his behalf; or

(*e*) by all or any two of such methods, as the Court thinks fit.

(4) If the property ordered to be attached consists of livestock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court.

(5) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under the Jaipur Code of Civil Procedure.

(6) If any claim is preferred to, or objection made to the attachment of, any property attached under this section within six months from the date of such attachment, by any person other than the proclaimed person, on the ground that the claimant or objector has an interest in such property, and that such interst is not liable to attachment under this section, the claim or objection shall be inquired into, and may be allowed or disallowed in whole or in part:

Provided that any claim preferred or objection made within the period allowed by this sub-section may, in the event of the death of the claimant or objector, continued by his legal representative.

(7) Claims or objections under sub-section (6) may be preferred or made in the Court by which the order of attachment is issued or, if the claim or objection is in respect of property attached under an order endorsed by a District Magistrate in accordance with the provisions of sub-section (2), in the Court of such Magistrate.

(8) Every such claim or objection shall be inquired into by the Court in which it is preferred or made:

Provided that, if it is preferred or made in the Court of a District Magistrate, such Magistrate may make it over for disposal to any Magistrate of the first or second class, as the case may be, subordinate to him.

(9) Any person whose claim or objection has been disallowed in whole or in part by an order under sub-section (6) may, within a period of one year from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute; but subject to the result of such suit, if any, the order shall be conclusive.

(10) If the proclaimed person appears within the time specified in the proclamatton, the Court shall make an order releasing the property from the attachment.

(11) If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of the Durbar; but it shall not be sold until the expiration of six months from the date of the attachment and until any claim preferred or objection made under sub-section (6) has been disposed of under that sub-section unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the court may cause it to be sold whenever it thinks fit,

Restoration of attached property

79. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of the Durbar under sub-section (11) of section 78, appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, or the Court to which such Court is subordinate, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or, if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment be delivered to him.

D.—Other Rules regarding Processes,

Issue of warrant in lieu of, or in addition to summons

80. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person, issue, after recording its reasons in writing, a warrant for his arrest.—

(*a*) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(*b*) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Power to take bond for appearance

81. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant, is present in such Court, such officer may require such person to execute a bond, with or without sureties, for his appearance in such Court,

Arrest on breach of bond for appearance.

82. When any person who is bound by any bond taken under this Code to appear before a Court, does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

Provisions of this Chapter generally applicable to summonses and warrants of arrest.

83. The provisions contained in this Chapter relating to a summons and warrant, and their issue, service and execution, shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY, AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A.—Summons to produce.

Summons to produce document or other thing

84 (1) Whenever any Court, or any officer in charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed to affect the Jaipur Evidence Act, sections 119 and 120 or to apply to a letter, post-card, telegram or other document or any parcel or thing in the custody of the Postal or Telegraph authorities.

Procedure as to letters and telegrams etc in the custody of the Imperial Government Postal and Telegraph authorities

85 (1). Where any letter, post card, telegram, or other document, or any parcel or thing in the custody of the Imperial Government Postal or Telegraph Authorities, is, in the opinion of any Court or District Superintendent of Police wanted for the purpose of any investigation, inquiry or trial, the Court, or the District Superintendent shall move the Chief Court to address the Resident at Jaipur for an order to the said Postal or Telegraph Authorities to deliver such document, parcel or thing to such person as the Chief Court may specify.

(2) The District Superintendent and the Magistrate other than a District Magistrate, shall address the Chief Court through the District Magistrate.

(3). The Chief Court may address the Resident for such an order, and in such a case shall explain the necessity for the production of such letter, postcard, telegram or other document, parcel or thing and shall specify the person by name or office to whom it is to be delivered.

(4). The Chief Court may either before of after such requisition, require the Imperial Postal or Telegraph Authorities, as the case may be, to cause search to be made for, and detain, such document, parcel or thing, pending the orders of the Resident,

Procedure as to letters etc in the custody of the State Postal Authorities.

86 (1). If any document, parcel or thing, in the custody of the State Postal Authorities is in the opinion of the Chief Court, wanted for the purpose of any investigation, inquiry, trial or other proceeding the Chief Court, of its own motion or when moved by the District Magistrate or Court of Session, may require the State Postal authorities, to deliver such document, parcel or thing to such person as the Chief Court directs.

(2). If any such document, parcel or thing is, in the opinion of any District Magistrate, or Court of Session or *District Superintendent of Police, wanted for any such purpose*, he may require the State Postal Department, to cause search to be made for and to detain such document, parcel or thing pending the orders of the Chief Court.

B.—Search-warrant.

When search warrant may be issued.

87 (1). Where any Court has reason to believe that a person to whom a summons or order under section 84 or a requisition under section 86 sub-section (1), has been or might be addressed, will not or would not produce the document or thing as required by such summons or requisition,

or where such document or thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection.

it may issue a search-warrant; and the person to whom such warrant is directed, may search or inspect in accordance therewith and the provisions hereinafter contained,

(2) Nothing herein contained shall authorize any Court other than the Chief Court to grant a warrant to search for a document, parcel or other thing in the custody of the State Postal authorities.

Power to restrict warrant.

88. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Search of house suspected to contain stolen property, forged documents, etc.

89. If a District Magistrate or Magistrate of the first class, upon information received and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for any other illegal purpose whatsoever,

he may by his warrant authorize any police-officer above the rank of a constable—

(*a*) to enter, with such assistance as may be required, such place, and

(*b*) to search the same in manner specified in the warrant, and

(*c*) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit and also of any such instruments and materials as aforesaid, and

(*d*) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(*e*) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be used for counterfeiting coins or stamps or for forging.

Disposal of things found in search beyond jurisdiction.

90. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made, are found, such thing, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.

91 (1). Where any newspaper, book or any other document, wherever printed, appears to the Durbar to contain any seditious matter, that is to say, any matter the publication of which is punishable under section 117 of the Jaipur Penal Code, the Durbar may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to the Ruler of the State and thereupon any police-officer may seize the same, wherever found in Jaipur territory and any Magistrate may by warrant authorize any police-officer not below the rank of sub-inspector to enter upon and search for tde same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

Power to declare certain publications forfeited, and to issue search warrants for the same.

(2). In sub-section (1) "document" includes also any painting, drawing or photograph, or other visible representation.

92, Any person having any interest in any newspaper, book or other document, in respect of which an order, of forfeiture has been made under section 91, may within two months from the date of such order, apply to the Chief Court to set-aside such order on the ground that the issue of the newspaper, or the book or other document, in respect of which the order was made, did not contain any seditious matter.

Application to Chief Court to set aside order of forfeiture.

93. Every such application shall be heard and determined by a Special Bench of the Chief Court composed of three Judges.

Hearing by Special Bench.

94 (1). On receipt of the application, the Special Bench shall, if it is not satisfied that the issue of the newspaper, or the book or other document, in respect of which the application has been made, contained seditious matter of the nature referred to in sub-section (1) of section 91, set asid the order of forfeiture,

Order of Special Bench setting aside forfeiture

(2). Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

Evidence to prove nature or tendency of newspaper.

95. On the hearing of any such application with reference to any newspaper, any copy of such newspaper may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, which are alleged to be seditious matter.

Procedure in Chief Court.

96. The Chief Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Courts in miscellaneous proceedings shall apply, so far as may be practicable, to such applications.

Jurisdiction barred.

97. No order passed or action taken under section 91 shall be called in question in any Court otherwise than in accordance with the provisions of section 92.

C—Discovery of persons wrongfully confined.

Search for persons wrongfully confined.

98. If any Magistrate of the first class has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

D.—General Provisions relating to Searches.

Direction, etc., of search-warrants.

99. The provisions of sections 32, 66, 68, 69, 72, 73 and 74 shall, so far as may be, apply to all search-warrants issued under section 87, section 89, section 91 or section 98,

Persons in charge of closed place to allow search.

100 (1). Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of such place shall, on demand of the officer or other per-

son executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

(2). If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 37.

(3). Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If such person is a woman, the directions of sections 41 shall be observed.

Search to be made in presence of witnesses.

101 (1). Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search and may issue an order in writing to them or any of them so to do.

(2). The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

Occupant of place searched may attend.

(3). The occupant of the place searched, or some person in his behalf, shall in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

(4). When any person is searched under section 100, sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person at his request.

(5). Any person who, without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed, to have committed an offence under section 176 of the Jaipur Penal Code.

E.—Miscellaneous

Power to impound document, etc., produced.

102. Any Court may, if it thinks fit, impound any document or thing produced before it under this Code.

Magistrate may direct search in his presence.

103. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search warrant.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.

OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOR.

A.—Security for keeping the Peace on Conviction.

Security for keeping the peace on conviction.

104 (1). Whenever any person accused of any offence punishable under Chapter VIII of the Jaipur Penal Code other than an offence punishable under section 132, section 138, section 143 or section 144, thereof, or of assault or other offence involving a breach of the peace, or of abetting the same, or any person accused of committing criminal intimidation, is convicted of such offence before the Chief Court, a Court of Session or the Court of a District Magistrate or a Magistrate of the first class.

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace.

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years as it thinks fit to fix.

(2). If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(3). An order under this section may also be made by an Appellate Court including a Court hearing appeals under section 325 or by the Chief Court when exercising its powers of revision.

B.—Security for keeping the Peace in other Cases and security for Good Behaviour.

Security for keeping the peace in other cases.

105 (1). Whenever a District Magistrate or Magistrate of the first class is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity, or to do any wrongful act that may probably occasion a breach of the peace, or disturb the public tranquillity, the Magistrate if in his opinion there is sufficient ground for proceeding may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

(2). Proceedings shall not be taken under this section unless either the person informed against or the place where the breach of the peace or disturbance is apprehended, is within the local limits of such Magistrate's jurisdiction, and no proceedings shall be taken before any Magistrate, other than a District Magistrate, unless both the person informed against and the place where the breach of the peace or disturbance is apprehended, are within the local limits of the Magistrate's jurisdiction.

Procedure of Magistrate not empowered to act under sub-section (1)

(3). When any Magistrate not empowered to proceed under sub-section (1) has reason to believe that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity, and that such breach of the peace or disturbance cannot be prevented otherwise than by detaining such person in custody, such Magistrate may, after recording his reasons, issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case, together with a copy of his reasons.

(4). A Magistrate before whom a person is sent under sub-section (3) may in his discretion detain such person in custody pending further action by himself under this Chapter.

Security for good behaviour from persons disseminating seditious matter.

106. Whenever a District Magistrate or a Magistrate the first class, specially empowered by tl Durbar in this behalf, has information th there is within the limits of his jurisdicti any person who, within or without su limits, either orally or in writing, or in any other mann intentionally disseminates or attempts to disseminate, or anywise abets the disemination of,—

(*a*) any seditious matter, that is to say, any matter tl publication of which is punishable under se tion 117 of the Jaipur Penal Code, or

(*b*) any matter the publication of which is punishab under section 143 of the Jaipur Penal Code,

(*c*) any matter concerning a Judge which amounts criminal intimidation or defamation under tl Jaipur Penal Code,

such Magistrate, if in his opinion there is sufficie ground for proceeding may (in manner hereinafter pr vided) require such person to show cause why he should n be ordered to execute a bond, with or without sureties, f his good behaviour for such period, not exceeding one yea as the Magistrate thinks fit to fix.

Security for good behaviour from vagrants and suspected persons.

107. Whenever a District Magistrate, or Magistrate the first class receives information—

(*a*) that any person is taking precautions to conceal hi presence within the local limits of such Magi trate's jurisdiction, and that there is reason t believe that such person is taking such pre cautions with a view to committing an offenc or

(*b*) that there is within such limits a person who has n ostensible means of subsistence, or who canno give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided require such person to show cause why he should not b ordered to execute a bond, with sureties, for his good behavi our for such period, not exceeding one year, as the Magistrate thinks fit to fix.

Security for good behaviour from habitual offenders

108. Whenever a District Magistrate, or a Magistrate of the first class specially empowered in this behalf by the Durbar receives information that any person within the local limits of his jurisdiction—

(a) is by habit a robber, house-breaker, thief or forger or

(b) is by habit a receiver of stolen property knowing the same to have been stolen, or

(c) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or

(d) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Jaipur Penal Code, or under section 476, section 477, section 478, or section 479 of that Code, or

(e) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace, or

(f) is so desperate and dangerous as to render his being at large without security hazardous to the community,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit to fix.

Order to be made

109. When a Magistrate acting under section 105 section 106 section 107 or section 108 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Procedure in respect of person present in Court.

110. If the person in respect of whom such order is made is present in Court it shall be read over to him or, if he so desires, the substance thereof shall be explained to him.

Summons or warrant in case of person not so present.

111. If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is, to bring him before the Court:

Provided that whenever it appears to such Magistrate, upon the report of a police-officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be preventel otherwise than by the immediate arrest of such person the Magistrate may at any time issue a warrant for his arrest.

Copy of order under section 109 to accompany summons or warrant.

112. Every summons or warrant issued under section 111 shall be accompanied by a copy of the order made under section 109, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Power to dispense with personal attendance.

113. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

Inquiry as to truth of information

114 (1). When an order under section 109 has been read or explained under section 110 to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 111, the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary.

(2). Such inquiry shall be made, as nearly as may be practicable where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials and recording evidence in summons-cases; and where the order requires security for good behaviour in the manner hereinafter prescribed for conducting trials and recording evidence in warrant-cases, except that no charge need be framed.

(3). Pending the completion of the inquiry under sub-section (1) the Magistrate, if he considers that immediate measures are necessary for the prevention of a breach of the peace or disturbance of the public tranquillity or the commission of any offence or for the public safety, may, for reasons to be recorded in writing, direct the person in respect of whom the order under section 109 has been made to execute a bond, with or without sureties, for keeping the peace or maintaining good behaviour until the conclusion of the inquiry, and may detain him in custody until such bond is executed or, in default of execution, until the inquiry is concluded:

Provided that—

(a) no person against whom proceedings are not being taken under section 106, section 107 or section 108, shall be directed to execute a bond for maintaining good behaviour, and

(b) the conditions of such bond, whether as to the amount thereof or as to the provision of sureties or the number thereof or the pecuniary extent of their liability, shall not be more onerous than those specified in the order under section 109:

(4). For the purposes of this section the fact that a person is an habitual offender or is so desperate and dangerous as to render his being at large without security hazardous to the community may be proved by evidence of general repute or otherwise.

(5) Where two or more persons have been associated together in the matter under inquiry, they may be dealt with in the same or separate inquiries as the Magistrate shall think just.

115 (1). If, upon such inquiry, it is proved that is is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make on order accordingly;

Order to give security.

Provided—

first, that no person shall be ordered to give security o a nature different from, or of an amount large than, or for a period longer than, that specified i the order made under section 109:

secondly, that the amount of every bond shall be fixe with due regard to the circumstances of the case and shall not be excessive:

thirdly, that when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

Discharge of person informed against.

116. If, on an inquiry under section 114, it is not proved that it is necessary for keeping the peace or maintaining good behaviour as the case may be, that the person in respect of whom the inquiry is made, should execute a bond, the Magistrate shall make an entry on the record to that effect, and if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

C.—Proceedings in all cases subsequent to Order to furnish security.

Commencement of period for which security is required.

117. (1) If any person, in respect of whom an order requiring security is made under section 10[illegible] or section 115, is, at the time such order is made, sentenced to, or under-going a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

(2) In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason, fixes a later date.

Contents of bond.

118. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or the abetment of any offence punishable with imprisonment, wherever it may be committed is a breach of the bond.

Power to reject sureties.

119. (1) A Magistrate may refuse to accept any surety offered, or may reject any surety previously accepted by him or his predecessor under this Chapter on the ground that such surety is an unfit person for the purposes of the bond:

Provided that, before so refusing to accept or rejecting any such surety, he shall either himself hold an inquiry on oath into the fitness of the surety, or cause such inquiry to be held and a report to be made thereon by a Magistrate subordinate to him.

(2) Such Magistrate shall, before holding inquiry, give reasonable notice to the surety and to the person by whom the surety was offered and shall in making the inquiry record the substance of the evidence adduced before him.

(3) If the Magistrate is satisfied, after considering the evidence so adduced either before him or before a Magistrate deputed under sub-section (1), and the report of such Magistrate (if any) that the surety is an unfit person for the purposes of the bond, he shall make an order refusing to accept or rejecting, as the case may be, such surety and recording his reasons for so doing:

Provided that, before making an order rejecting any surety who has previously been accepted, the Magistrate shall issue his summons or warrant, as he thinks fit, and cause the person for whom the surety is bound to appear or to be brought before him.

Imprisonment in default of security.

120 (1) If any person ordered to give security under section 104 or section 115 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison be detained in prison until such period expires or until within such period he gives the security to the Court or Magistrate who made the order requiring it.

Proceedings when to be laid before Court of Session

(2) When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the

orders of the Sessions Judge; and the proceedings shall be laid, as soon as conveniently may be, before the Sessions Judge

(3) The Sessions Judge, after examining such proceedings and requiring from the Magistrate any further information or evidence which he thinks necessary, may pass such order on the case as he thinks fit:

Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

(4) If security has been required in the course of the same proceedings from two or more persons in respect of any one of whom the proceedings are referred to the Sessions Judge under sub-section (2), such reference shall also include the case of any other of such persons who has been ordered to give security and the provisions of sub-sections (2) and (3) shall, in that event, apply to the case of such other person also, except that the period (if any) for which he may be imprisoned shall not exceed the period for which he was ordered to give security.

(5) A Sessions Judge may in his discretion transfer any proceedings laid before him under sub-section (2) or sub-section (4) to an Additional Sessions Judge or Assistant Sessions Judge and upon such transfer, such Additional Sessions Judge or Assistant Sessions Judge may exercise the powers of a Sessions Judge under this section in respect of such proceedings.

(6) If the security is tendered to the officer in charge of the jail, he shall forthwith refer the matter to the Court or Magistrate who made the order, and shall await the orders of such Court or Magistrate.

Kind of imprisonment.

(7) Imprisonment for failure to give security for keeping the peace shall be simple.

(8) Imprisonment for failure to give security for good behaviour shall, where the proceedings have been taken under section 106 or section 107, be simple and, where the proceedings have been taken under section 108, be rigorous or simple as the Court or Magistrate in each case directs.

Power to release person imprisoned for failing to give security.

121 (1). Whenever the Chief Court is or opinion that any person imprisoned for failing to give security under this Chapter may be released without hazard to the community or to any other person, it may order such person to be discharged.

(2) Whenever any person has been imprisoned for failing to give security under this Chapter, the Chief Court may make an order reducing the amount of the security or the number of sureties or the time for which security has been required.

(3) The orders referred to in sub-sections (1) and (2) may be passed by the Chief Court *sua motu*, or on the recommendation of the Court of Session or of the District Magistrate according as the order for giving security had been passed by such Court or a Magistrate.

(4). An order under sub-section (1) may direct the discharge of such person either without conditions or upon any conditions which such person accepts:

Provided that any condition imposed shall cease to be operative when the period for which such person was ordered to give security has expired.

(5). The Durbar may prescribe the conditions upon, which a conditional discharge may be made.

(6). If any condition upon which any such person has been discharged is, in the opinion of the Chief Court not fulfilled, he may cancel the same.

(7). When a conditional order of discharge has been cancelled under sub-section (6), such person may be arrested by any police-officer without warrant, and shall thereupon be produced before the District Magistrate.

Unless such person then gives security in accordance with the terms of the original order for the unexpired portion of the term for which he was in the first instance committed or ordered to be detained (such portion being deemed to be a period equal to the period between the date of the breach of the conditions of discharge and the date on which, except for such conditional discharge, he would have been entitled to release), the District Magistrate may remand such person to prison to undergo such unexpired portion

A person remanded to prison under this sub-section shall, subject to the provisions of section 119, be released at any time on giving security in accordance with the terms of the original order for the unexpired portion aforesaid to the Court or Magistrate by whom such order was made, or to its or his successor.

Discharge of sureties.

122 (1). Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a District Magistrate or Magistrate of the first class to cancel any bond executed under this Chapter within the local limits of his jurisdiction.

(2). On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

Security for unexpired period of bond

123. When a person for whose appearance a warrant or summons has been issued under the proviso to sub-section (4) of section 119 or under section 122 sub-section (2), appears or is brought before him, the Magistrate shall cancel the bond executed by such person and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 118, 119, 120 and 121, be deemed to be an order made under section 104 or section 115, as the case may be.

CHAPTER IX.

UNLAWFUL ASSEMBLIES.

Assembly to disperse on command of Magistrate or police-officer.

124. Any Magistrate or officer in charge of a police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Use of civil force to disperse

125. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a police-station

may proceed to disperse such assembly by force, and may require the assistance of any male person for the purpose of dispersing such assembly; and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Use of Military force.

126. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force.

Duty of officer commanding troops required by Magistrate to disperse assembly.

127. (1) When a Magistrate determines to disperse any such assembly by military force, he may require any commissioned or non-commissioned officer in command of any soldiers in the State Army or of any volunteers to disperse such assembly by military force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it maybe necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Protection against prosecution for acts done under this Chapter.

128. No prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of the Durbar; and—

(a) no Magistrate or police-officer acting under this Chapter in good faith.

(b) no person doing any act in good faith, in compliance with a requisition under section 125 or section 127, and

(c) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which he was bound to obey.

shall be deemed to have thereby committed an offence:

CHAPTER X.

PUBLIC NUISANCES.

Conditional order for removal of nuisance.

129. (1) Whenever a District Magistrate or a Magistrate of the first class considers, on receiving a police-report or other information and on taking such evidence (if any) as he thinks fit.

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated, or

that the construction of any building, or the disposal of any substance, as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building, tent or any structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public, or

that any dangerous animal should be destroyed, confined or otherwise disposed of,

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation; or

to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or

to prevent or stop the erection of, or to remove, repair or support, such building, tent or structure; or

to remove or support such tree; or

to alter the disposal of such substance; or

to fence such tank, well or excavation, as the case may be; or

to destroy, confine or dispose of such dangerous animal in the manner provided in the said order;

or, if he objects so to do,

to appear before himself or some other Magistrate of the first class, at a time and place to be fixed by the order, and move to have the order set aside or modified in the manner hereinafter provided.

(2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation.—A "public place" includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes.

Service or notification of order.

130. (1) The order shall, if practicable, be served on the person against whom it is made, in manner herein provided for service of a summons.

(2) If such order cannot be so served, it shall be notified by proclamation and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Person to whom order is addressed to obey or show cause.

131. The person against whom such order is made shall—

(a) perform, within the time and in the manner specified in the order, the act directed thereby; or

(b) appear in accordance with such order and show cause against the same.

Consequence of his failing to do so.

132. If such person does not perform such act or appear and show cause as required by section 131, he shall be liable to the penalty prescribed in that behalf in section 177 of the Jaipur Penal Code, and the order shall be made absolute.

Procedure where he appears to show cause

133. (1) If he appears and shows cause against the order, the Magistrate shall take evidence in the matter as in a summons case.

(2) If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

(3) If the Magistrate is not so satisfied, the order shall be made absolute.

Procedure where existence of public right is denied.

134. (1) Where an order is made under section 129 for the purpose of preventing obstruction, nuisance or danger to the public in the use of any way, river, channel or place, the Magistrate shall, on the appearance before him of the person against whom the order was made, question him as to whether he denies the existence of any public right in respect of the way, river, channel or place, and if he does so, the Magistrate shall, before proceeding under section 133, inquire into the matter.

(2) If in such inquiry the Magistrate finds that there is any reliable evidence in support of such denial, he shall stay the proceedings until the matter of the existence of such right has been decided by a competent Civil Court; and, if he finds that there is no such evidence, he shall proceed as laid down in section 133.

(3) A person who has, on being questioned by the Magistrate under sub-section (1), failed to deny the existence of a public right of the nature therein referred to, or who, having made such denial, has failed to adduce reliable evidence in support thereof, shall not in the subsequent proceedings be permitted to make any such denial.

Procedure on order being made absolute.

135. (1) When an order has been made absolute under section 132 or section 133, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 177 of the Jaipur Penal Code.

Consequences of disobedience to order.

(2) If such act is not performed within the time fixed, the Magistrate may cause it to be performed and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

(3) No suit shall lie in respect of anything done in good faith under this section.

Injunction pending inquiry.

136. (1) If a Magistrate making an order under section 129 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person against whom the order was made, as is required to obviate or prevent such danger or injury pending the determination of the matter.

(2) In default of such person forthwith obeying such injunction, the Magistrate may himself use or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

(3) No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Magistrate may prohibit repetition or continuance of public nuisance.

137. A District Magistrate or a Magistrate of the first class empowered by the Durbar or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Jaipur Penal Code or any special or local law.

(a) perform, within the time and in the manner specified in the order, the act directed thereby; or

(b) appear in accordance with such order and show cause against the same.

Consequence of his failing to do so.

132. If such person does not perform such act or appear and show cause as required by section 131, he shall be liable to the penalty prescribed in that behalf in section 177 of the Jaipur Penal Code, and the order shall be made absolute.

Procedure where he appears to show cause

133. (1) If he appears and shows cause against the order, the Magistrate shall take evidence in the matter as in a summons case.

(2) If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

(3) If the Magistrate is not so satisfied, the order shall be made absolute.

Procedure where existence of public right is denied.

134. (1) Where an order is made under section 129 for the purpose of preventing obstruction, nuisance or danger to the public in the use of any way, river, channel or place, the Magistrate shall, on the appearance before him of the person against whom the order was made, question him as to whether he denies the existence of any public right in respect of the way, river, channel or place, and if he does so, the Magistrate shall, before proceeding under section 133, inquire into the matter.

(2) If in such inquiry the Magistrate finds that there is any reliable evidence in support of such denial, he shall stay the proceedings until the matter of the existence of such right has been decided by a competent Civil Court; and, if he finds that there is no such evidence, he shall proceed as laid down in section 133.

(3) A person who has, on being questioned by the Magistrate under sub-section (1), failed to deny the existence of a public right of the nature therein referred to, or who, having made such denial, has failed to adduce reliable evidence in support thereof, shall not in the subsequent proceedings be permitted to make any such denial.

(6) No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the Durbar by proclamation otherwise directs.

CHAPTER XII.

Disputes as to Immoveable Property.

Procedure where dispute concerning land etc, is likely to cause breach of peace.

139 (I) Whenever a District Magistrate or Magistrate of the first class is satisfied from a police-report or other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

(2) For the purposes of this section the expression "land or water" includes buildings, markets, fisheries, crops or other produce of land, and the rents or profits of any such property.

(3) A copy of the order shall be served in manner provided by this Code for the service of a summons upon such person or persons as the Magistrate may direct, and at least one copy shall be published by being affixed to some conspicuous place at or near the subject of dispute.

Inquiry as to possession.

(4) The Magistrate shall then, without reference to the merits or the claims of any of such parties to a right to possess the subject of dispute peruse the statements so put in, hear the parties, receive all such evidence as may be produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary and, if possible decide whether any and which of the parties was at the date of the order before mentioned in such possession of the said subject:

Provided that, if it appears to the Magistrate that any party has within two months next before the date of such order been forcibly and wrongfully dispossessed, he may treat the party so dispossessed as if he had been in possession at such date:

Provided also, that, if the Magistrate considers the case one of emergency, he may at any time attach the subject of dispute, pending his decision under this section.

(5) Nothing in this section shall preclude any party so required to attend, or any other person interested, from showing that no such dispute as afore-said exists or has existed, and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed, but, subject to such cancellation, the order of the Magistrate under sub-section (1) shall be final.

Party in possession to retain possession until legally evicted.

(6) If the Magistrate decides that one of the parties was or should under the first proviso to sub-section (4) be treated as being in such possession of the said subject, he shall issue an order declaring such party to be entitled to possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction, and when he proceeds under the first proviso to sub-section (4), may restore to possession the party forcibly and wrongfully dispossessed.

(7). When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding and shall thereupon continue the inquiry, and if any question arises as to who the legal representative of a deceased party for the purposes of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto.

(8) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and natural decay, he may make an order for the proper custody or sale of such property, and, upon the completion of the inquiry, shall make such order for the disposal of such property, or the sale-proceeds thereof, as he thinks fit.

(9) The Magistrate may, if he thinks fit, at any stage of the proceedings under this section, on the application of either party, issue a summons to any witness directing him to attend or to produce any document or thing.

(10). Nothing in this section shall be deemed to be in derogation of the powers of the Magistrate to proceed under section 105.

Power to attach subject of dispute

140 (1). If the Magistrate decides that none of the parties was then in such possession, or is unable to satisfy himself as to which of them was then in such possession of the subject of dispute, he may attach it until a competent Court has determined the rights of the parties thereto, or the person entitled to possession thereof:

Provided that the District Magistrate or the Magistrate who has attached the subject of dispute may withdraw the attachment at any time if he is satisfied that there is no longer any likelihood of a breach of the peace in regard to the subject of dispute.

(2). When the Magistrate attaches the subject of dispute, he may, if he thinks fit and if no receiver of the property, the subject of dispute, has been appointed by any Civil Court appoint a receiver thereof, who, subject to the control of the Magistrate, shall have all the powers of a receiver appointed under the Code of Civil Procedure.

Provided that, in the event of a receiver of the property, the subject of dispute, being subsequently appoined by any Civil Court, possession shall be made over to him by the receiver appointed by the Magistrate, who shall thereupon be dicharged.

Disputes concerning rights of use of immoveable property, etc.

141 (1). Whenever any District Magistrate, or Magistrate of the first class is satisfied, from a police-report or other information, that a dispute likely to cause a breach of the peace exists regarding any alleged right of user of any land or water as explained in section 139, sub-section (2) (whether such right be claimed as an easement or otherwise), within the local limits of his jurisdiction, he may make an order in writing stating the grounds of his being so satisfied and requiring the parties concerned in such dispute to attend the Court in person or by pleader within a time to be fixed by

Provided that, if it appears to the Magistrate that any party has within two months next before the date of such order been forcibly and wrongfully dispossessed, he may treat the party so dispossessed as if he had been in possession at such date:

Provided also, that, if the Magistrate considers the case one of emergency, he may at any time attach the subject of dispute, pending his decision under this section.

(5) Nothing in this section shall preclude any party so required to attend, or any other person interested, from showing that no such dispute as afore-said exists or has existed, and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed, but, subject to such cancellation, the order of the Magistrate under sub-section (1) shall be final.

Party in possession to retain possession until legally evicted.

(6) If the Magistrate decides that one of the parties was or should under the first proviso to sub-section (4) be treated as being in such possession of the said subject, he shall issue an order declaring such party to be entitled to possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction, and when he proceeds under the first proviso to sub-section (4), may restore to possession the party forcibly and wrongfully dispossessed.

(7). When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding and shall thereupon continue the inquiry, and if any question arises as to who the legal representative of a deceased party for the purposes of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto.

(8) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and natural decay, he may make an order for the proper custody or sale of such property, and, upon the completion of the inquiry, shall make such order for the disposal of such property, or the sale-proceeds thereof, as he thinks fit.

CHAPTER XIII.

PREVENTIVE ACTION OF THE POLICE.

Police to prevent cognizable offences.

143. Every police-officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.

Information of design to commit such offences.

144. Every police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Arrest to prevent such offences

145. A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

146. A police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immovable, or the removal or injury of any public landmark or mark used for navigation.

Inspection of weights and measures.

147. (1) Any officer in charge of a police-station not below the rank of a Sub-Inspector may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

(2) If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

PART V.

INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

Information in cognizable cases

148. Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Durbar may prescribe in this behalf.

Information in non-cognizable cases.

149. (1) When information is given to an officer in charge of a police-station, of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

Investigation into non-cognizable cases.

(2) No police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial.

(3) Any police-officer receiving such order may exercise the same powers in respect of the investingation (except the power to arrest without warrant) as an officer in charge of a police-station may exercise in a cognizable case.

Investigation into cognizable cases

150. (1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under section 180 may order such an investigation as above-mentioned.

Procedure where cognizable offence suspected.

151. (1) If, from information received or otherwise, an officer in charge of a police-station has reason to suspect the commission of an offence which he is empowered under section 150 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police-report, and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the Durbar may, by general or special order prescribe in this behalf to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Provided as follows:—

Where local investigation dispensed with.

(a) when any information as to the commission of any such offence is given against any person by name, and the case is not of a serious nature, the officer in charge of a police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

Where police-officer in charge sees no sufficient ground for investigation.

(b) if it appears to the officer in charge of a police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police-station shall state in his said report his reasons for not fully complying with the requirements of that sub-section, and in the case mentioned in clause (b), such officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the Durbar, the fact that he will not investigate the case or cause it to be investigated.

Power to hold investigation or preliminary

152 Such Magistrate, on receiving such report, may direct an investigation or, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold a preliminary

PART V.

INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

Information in cognizable cases

148. Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Durbar may prescribe in this behalf.

Information in non-cognizable cases.

149. (1) When information is given to an officer in charge of a police-station, of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

Investigation into non-cognizable cases.

(2) No police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial.

(3) Any police-officer receiving such order may exercise the same powers in respect of the investingation (except the power to arrest without warrant) as an officer in charge of a police-station may exercise in a cognizable case.

Investigation into cognizable cases

150. (1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 31, clause (1), of the Jaipur Evidence Act.

No inducement to be offered.

156. (1) No police-officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Jaipur Evidence Act, section 23.

(2) But no police-officer or other person shall prevent by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will.

Power to record statements and confession

157. (1) Any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by the Durbar may, if he is not a police-officer record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.

(2) Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion, best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 282, and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

(3). A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and no Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect:—

"I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(*Signed*) A. B.,

Magistrate.

Explanation.—It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.

Search by police-officer

158 (1) Whenever an officer in charge of a police-station, or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police-station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so for as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.

(2). A police-officer proceeding under sub-section (1) shall, if practicable, conduct the search in person.

(3). If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may after recording in writing his reasons for so doing require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing specifying the place to be searched and, so far as possible, the thing for which search is to be made; and such subordinate officer may thereupon search for such thing in such place.

(4). The provisions of this Code as to search warrants and the general provisions as to searches contained in section 100 and section 101 shall, so far as may be, apply to a search made under this section.

(5). Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence and the owner or occupier of the place searched shall on application be furnished with a copy of the same by the Magistrate:

Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free or cost.

When officer in charge of police station may require another to issue search warrant

159 (1). An officer in charge of a police-station or a police-officer not being below the rank of sub-inspector making an investigation may require an officer in charge of another police-station, whether in the same or a different district, to cause a search to be made in any place in any case in which the former officer might cause such search to be made, within the limits of his own station.

(2). Such officer, on being so required, shall proceed according to the provisions of section 158, and shall forward the thing found, if any, to the officer at whose request the search was made.

(3). Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police-station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed it shall be lawful for an officer in charge of a police station or a police-officer making an investigation under this Chapter to search, or cause to be searched, any place in the limits of another police-station, in accordance with the provisions of section 158 as if such place were within the limits of his own station.

(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police-station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 101, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in section 158, sub-sections (1) and (3).

(5). The owner or occupier of the place searched shall, on application, be furnished with a copy of any record sent to the Magistrate under sub-section (4):

Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.

Procedure when investigation cannot be completed in Seventy two hours

160 (1). Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of Seventy two hours fixed by section 50, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police-station or the police-officer making the investigation if he is not below the rank of sub-inspector shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the Durbar shall authorise detention in the custody of the police.

(3) A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

(4) If such order is given by a Magistrate, other than the District Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.

Report of investigation by subordinate police-officer.

161. When any subordinate police-officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer incharge of the police-station.

Release of accused when evidence deficient.

162. If, upon an investigation under this Chapter, it appears to the officer in charge of the police-station or to the police-officer making the investigation that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police-report and to try the accused or commit him for trial.

Case to be sent to Magistrate when evidence is sufficient

163. (1) If, upon an investigation under this Chapter, it appears to the officer in charge of the police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial or to the Court of Session if the accused is triable exclusively by such Court or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate or Court, as the case may be, on a day fixed and for his attendance from day to day before such Magistrate or Court until otherwise directed

(2) When the officer in charge of a police station forwards an accused person to a Magistrate or Court of Session or takes security for his appearance before such Magistrate or Court under this section, he shall send to such Magistrate or Court, as the case may be, any weapon or other article which it may be necessary to produce at the trial or inquiry and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate or Court as thereby directed and prosecute or give evidence, as the case may be, in the matter of the charge against the accused.

(3) The Court mentioned in the bond shall be held to include any Court to which the case may be referred for enquiry or trial, provided reasonable notice of such reference is given to such complainant or persons.

(4) The day fixed under this section shall be the day whereon the accused person is to appear, if security for his

appearance has been taken, or the day on which he may be expected to arrive at the Court if he is to be forwarded in custody.

(5) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send the original with his report to the Court which is to take cognizance of the offence on that report.

Complainants and witnesses not to be required to accompany police-officer.

164. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a police-officer,

Complainants and witnesses not to be subjected to restraint.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Recusant complainant or witness may be forwarded in custody

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 163 the officer in charge of the police-station may forward him in custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Diary of proceedings in investigation

165. (1) Every police-officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

(2) Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police-officer who made them, to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of the Jaipur Evidence Act, section 157 or section 161, as the case may be, shall apply.

166. (1) Every investigation under this chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the police-station shall:—

Report of police-officer.

(*a*) forward, to a Magistrate empowered to take cognizance of the offence on a police-report or to the Court of Session, if the case is triable exclusively by such Court, a report in the form prescribed by the Durbar, setting forth the names of the parties, the nature of the information and the names of the persons who *appear to be acquainted with the circumstances* of the case and stating whether the accused (if arrested) has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties, and,

(*b*) communicate, in such manner as may be prescribed by the Durbar, the action taken by him to the person, if any, by whom the information relating to the commission of the offence was first given.

(2) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate or the Court of Session, as the case may be, shall make such order for the discharge of such bond or otherwise as he or such Court thinks fit.

(3) A copy of any report forwarded under this section shall, on application, be furnished to the accused before the commencement of the inquiry or trial:

Provided that the same shall be paid for unless the Magistrate for some special reason thinks fit to furnish it free of cost.

167. (1) The officer in charge of a police-station or, in his absence, any officer not below the rank of a Head Constable, on receiving information that a person:—

Police to inquire and report on Suicide etc.

(*a*) has committed suicide, or

(*b*) has been killed by another, or by an animal, or by machinery, or by an accident, or

(c) has died under circumstances raising reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the Durbar shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

(2) The report shall be signed by such police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate,

(3) When there is any doubt regarding the cause of death, or when for any other reason the police-officer considers it expedient so to do, he shall, subject to such rules as the Durbar may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the Durbar if the state of the weather and the distance admit of being so forwarded without risk of such putrefaction on the road as would render such examination useless.

(4) A district Magistrate and any other Magistrate, specially authorised in this behalf by the Durbar or the Chief Court, are empowered to hold inquests.

Power to summon persons

168. (1) A police-officer proceeding under section 167 may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

(2) If the facts do not disclose a cognizable offence to which section 163 applies, such persons shall not be required by the police-officer to attend a Magistrate's Court.

Inquiry by Magistrate into cause of death

169. (1) When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 167 clauses (*a*), (*b*) and (*c*) of sub-section (1), any Magistrate so empowered may hold an inquiry into the cause of death either instead of, or in addition to, the investigation held by the police-officer and, if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed according to the circumstances of the case.

Power to disinter corpses.

(2) Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.—Place of Inquiry or Trial.

Ordinary place of inquiry and trial.

170. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Power to order cases to be tried by higher Courts.

171. Notwithstanding anything contained in section 170, the Chief Court may direct that any cases or class of cases committed for trial in any Nizamate may be tried by a higher Court.

Accused triable in district where act is done or where consequence ensues.

172. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local whose jurisdiction any such thing has been done, or has ensued.

Illustrations.

(*a*) A is wounded within the local limits of the juri diction of Court X, and dies within the loc limits of the jurisdiction of Court Z. Tl offence of the culpable homicide of A may l inquired into or tried by X, or Z.

(*b*) A is wounded within the local limits of the jurisdiction of Court X, and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y or Court Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into or tried by X, Y or Z.

(*c*) A is put in fear of injury within the local limits of the jurisdiction of Court X, and is thereby induced, within the local limits of the jurisdic*tion of Court Y, to deliver property to* the person who put him in fear. The offence of extortion committed on A may be inquired into or tried either by X or Y:

(*d*) A is wounded in the Native State of Baroda, and dies of his wounds in Jaipur. The offence of causing A's death may be inquired into and tried in Jaipur.

Place of trial where act is offence by reason of relation to other offence.

173. When an act is an offence by reason of its relation *to any other act which is also an offence* or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done.

Illustrations.

(*a*) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(*b*) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(*c*) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

Being a thug or belonging to a gang of dacoits, escape from custody, etc

174 (1). The offence of being a thug, of being a thug and committing murder, or dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

Criminal misappropriation and criminal breach of trust

(2). The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received or retained by the accused person, or the offence was committed.

Theft

(3). The offence of theft, or any offence which includes theft or the possession of stolen property, may be inquired into or tried by a Court within the local limits of whose jurisdiction such offence was committed or the property stolen was possessed by thief or by any person who received or retained the same knowing or having reason to believe it to be stolen.

Kidnapping and abduction.

(4) The offence of kidnapping or abduction may be inquired into or tried by a Court within the local limits of whose jurisdiction the person kidnapped or abducted was kidnapped or abducted or was conveyed or concealed or detained.

Place of inquiry or trial where scene of offence is uncertain or not in one district only or where offence is continuing or consists of several acts.

175. When it is uncertain in which of several local areas an offence was committed, or

where an offence is committed partly in one local area and partly in another, or

where an offence is a continuing one, and continues to be committed in more local areas than one, or

where it consists or several acts done in different local areas,

it may be inquired into or tried by a Court having jurisdiction over any or such local areas.

Offence committed on a journey.

176. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired or tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Chief Court to decide, in case of doubt, district where inquiry or trial shall take place.

177. (1) Whenever a question arises as to which of two or more Courts subordinate to the Chief Court ought to inquire into or try any offence, it shall be decided by the Chief Court.

Power to issue summons or warrant for offence committed beyond local jurisdiction.

178. Whenever a District Magistrate, or if he is specially empowered in this behalf by the Durbar a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without Jaipur territory) an offence which cannot, under the provisions of section 170 to 176 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is triable in Jaipur territory such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or,

Magistrate's procedure on arrest.

if such offence is bailable, take a bond with or without sureties for his appearance befoie such Magistrate.

Procedure where warrant issued by subordinate Magistrate

179. If the person has been arrested under a warrant issued under section 178 by a Magistrate of the first class he shall send the person arrested to the District Magistrate to whom he is subordinate, unless the Magistrate having jurisdiction to inquire into and try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the police-officer executing such warrant or shall be sent to the Magistrate by whom such warrant was issued.

B. Conditions requisite for Initiation of Proceedings.

Cognizance of offence by Magistrate.

180. (1). Except as hereinafter provided, any District Magistrate or a Magistrate of the first class, if specially empowered in this behalf by the Chief Court with the previous sanction of the Durbar, may take cognizance of any offence.

(*a*) Upon receiving a complaint of facts which constitute such offence;

(*b*) Upon a report in writing of such facts made by any police officer;

(*c*) *Upon information received from any person other* than a police-officer, or upon his own knowledge or suspicion, that such offence has been committed.

(2). The Durbar, or the Chief Court with the previous sanction of the Durbar, may empower any Magistrate of the second class to take cognizance, under sub-section (1) clause (*a*) or clause (*b*) or both of offences triable by him.

Transfer or commitment on application of accused.

181. When a Magistrate takes cognizance of an offence under sub-section (1) clause (*c*), of the preceding section, the accused shall, before any evidence is taken, be informed that he is entitled to have the case tried by another Court, and if the accused, or any of the accused if there be more than one, objects to being tried by such Magistrate, the case shall, instead of being tried by such Magistrate, be committed to the Court of Session or transferred to another Magistrate.

182 (1) Any Court may transfer any case of which it has taken cognizance, for inquiry or trial, to any Magistrate subordinate to that Court.

Transfer of cases by Courts.

(2) Any District Magistrate may empower any Magistrate of the first class who has taken cognizance of any case to transfer it for inquiry or trial to any other specified Magistrate in his district who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.

(3) Where a Court of Session has transferred a case under this section to a District Magistrate or Magistrate of the first class, the provisions of sections 192, proviso (c) 196, 238, 239, and sections 198 to 206 of the Criminal Procedure Code shall, mutatis mutandis, apply to the proceedings before such Magistrate.

(4) The provisions of section 192, para 1 section 194, sub-sections (1) and (2), and sections 196 and 238 to 246 of this Code shall, mutatis mutandis, apply to the proceedings and trial before a Court of Session, when started on a complaint or on a Police-report under section 163 of this Code:

Provided that such Court, when taking cognizance of an offence on a complaint, may, after examining the complainant, transfer the case to a District Magistrate or Magistrate of the first class within the sessions division for inquiry or trial (if necessary), if the complainant's statement recorded under section 192 does not disclose facts which, even if believed, would constitute an offence triable exclsively by a Court of Session.

183. (1). A Court of Session may take cognizance of an offence.

Cognizance of offences by courts of Session.

(a) Upon receiving a complaint,
(b) Upon a police report under Sec. 163 of this Code,
} of facts which constitute an offence exclusively triable by such Court.

(c) When the accused has been committed to it by a District Magistrate or a Magistrate of the first class

(2). Additional Sessions Judges and Assistant Sessions Judges shall try such cases only as the Durbar by general or special order may direct them to try, or as the Sessions Judge of the division, by general or special order, may make over to them for trial.

184. (1) No Court shall take coginzance—

(*a*) of any offence punishable under sections 161 to 177 of the Jaipur Penal Code, except on the complaint in writing of the public servant concerned, or of some other public servant to whom he is subordinate;

Prosecution for contempt of lawful authority of public servants.

(*b*) of any offence punishable underany of the following sections of the same Code, namely, sections 182 183, 184, 185, 188, 189, 191, 195, 196, 197, 198, 199, 200 and 220, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, except on the complaint in writing of such Court or of some other Court to which such Court is subordinate; or

Prosecution for certain offences against public justice.

(*c*) of any offence described in section 448 or punishable under section 456, section 460 or section 461 of the same Code, when such offence is alleged to have been committed by a party to any proceeding in any Court in respect of a docnment produced or given in evidence in such proceeding, except on the complaint in writing of such Court, or of some other Court to which such Court is subordinate.

Prosecution for certain offences relating to documents given in evidence

(2) In clauses (*b*) and (*c*) of sub-section (1) the term "Court" includes a Civil, Revenue or Criminal Court, but does not include a Registrar or Sub-Registrar.

(3) For the puropses of this section, a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court, or, in the case of a Civil Court from whose decrees no appeal ordinarily lies, to the principal Court having

ordinary original civil jurisdiction within the local limit whose jurisdiction such Civil Court is situate :

Provided that—

(a) where appeals lie to more than one Court, Appellate Court of inferior jurisdiction shall be the Cour which such Court shall be deemed to be subordinate;

(b) where appeals lie to a Civil and also to a Reve Court, such Court shall be deemed to be subordinate to Civil or Revenue Court according to the nature of the c or proceeding in connection with which the offence is alle to have been committed.]

(4) The provisions of sub-section (1), with referenc the offences named therein, apply also to Criminal conspira to commit such offences and to the abetment of such offen and attempts to commit them.

(5) Where a complaint has been made under sub-sect (1) clause (a), by a public servant, any authority to wh such public servant is subordinate may order the withdra of the complaint and, if it does so, it shall forward a copy such order to the Court and, upon receipt thereof by Court, no further proceedings shall be taken on the complai

(6) (a) Any sanction given or refused under this secti may be revoked or granted by the authority which appeals ordinarily lie, in the first in tance, from the orders of the authority whi gave or refused such sanction.

(b) where appeals lie to two different Courts, t nature of the case in connection with whi the offence is alleged to have been committe will determine the jurisdiction of the appella Court for the purposes of revoking or grantin sanction.

(c) where no appeal lies, the Court exercising revision al jurisdiction over such subordinate Cou will have the power to revoke or grant th sanction given or refused.

(7). No sanction shall remain in force for more than si months from the date on which it was given, provided tha the Chief Court may, for good cause shown, extend the time

185. No Court shall take cognizance of any offence punishable under Chapter VI of the Jaipur Penal Code or punishable under section 97, or section 143, or section 275, or section 495 [of] the same Code, unless upon complaint made by order of, [or] under authority from the Durbar.

[Pr]osecution for offen[ces] against the State.

186. No Court shall take cognizance of the offence of criminal conspiracy punishable under section 111 of the Jaipur Penal Code,

[P]rosecution for cer[tai]n classes of criminal [consp]iracy.

(1) in a case where the object of the conspiracy is to commit either an illegal act other than an offence, or a legal act by illegal means, or an offence to which the provisions of section 185 apply, unless upon complaint made by order or under authority from the Durbar, or,

(2) in a case where the object of the conspiracy is to commit any non-cognizable offence, or a cognizable offence not punishable with death or rigorous imprisonment for a term of two years or upwards, unless the Durbar, or some other officer empowered in this behalf by the Durbar has, by order in writing consented to the initiation of the proceedings:

Provided that where the criminal conspiracy is one to [w]hich the provisions of sub-section (4) of section 184 apply [n]o such consent shall be necessary.

187. In the case of any offence in respect of which the provisions of section 184 or section 185 apply, a District Magistrate may, notwithstanding anything contained in those sections or in [a]ny other part of this Code, order preliminary investigation [b]y a police-officer not being below the rank of Inspector, in [w]hich case such police-officer shall have the powers referred to in section 149, sub-section (3).

Preliminary inquiry [i]n certain cases.

188(1) When any Judge, Magistrate, or public servant, not removable from his office without the sanction of the Durbar or a member of the Council of State, or by the head of a department is accused as such Judge, Magistrate or public servant of any offence, no court shall take cog-nizance of such offence except with the previous sanction of the authority having power [to] order his removal or of some other officer em-powered in this behalf by the Durbar.

ordinary original civil jurisdiction within the local limits of whose jurisdiction such Civil Court is situate:

Provided that—

(*a*) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate; and

(*b*) where appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.]

(4) The provisions of sub-section (1), with reference to the offences named therein, apply also to Criminal conspiracies to commit such offences and to the abetment of such offences, and attempts to commit them.

(5) Where a complaint has been made under sub-section (1) clause (a), by a public servant, any authority to which such public servant is subordinate may order the withdrawal of the complaint and, if it does so, it shall forward a copy of such order to the Court and, upon receipt thereof by the Court, no further proceedings shall be taken on the complaint.

(6) (*a*) Any sanction given or refused under this section may be revoked or granted by the authority to which appeals ordinarily lie, in the first instance, from the orders of the authority which gave or refused such sanction.

(*b*) where appeals lie to two different Courts, the nature of the case in connection with which the offence is alleged to have been committed, will determine the jurisdiction of the appellate Court for the purposes of revoking or granting sanction.

(*c*) where no appeal lies, the Court exercising revisional jurisdiction over such subordinate will have the power to revoke sanction given or [illegible]

(7). [illegible]

mon[illegible]

tl[illegible]

185. No Court shall take cognizance of any offence punishable under Chapter VI of the Jaipur Penal Code or punishable under section 97, or section 143, or section 275, or section 495 of the same Code, unless upon complaint made by order of, or under authority from the Durbar.

Prosecution for offences against the State.

186. No Court shall take cognizance of the offence of criminal conspiracy punishable under section 111 of the Jaipur Penal Code,

Prosecution for certain classes of criminal conspiracy.

(1) in a case where the object of the conspiracy is to commit either an illegal act other than an offence, or a legal act by illegal means, or an offence to which the provisions of section 185 apply, unless upon complaint made by order or under authority from the Durbar, or,

(2) in a case where the object of the conspiracy is to commit any non-cognizable offence, or a cognizable offence not punishable with death or rigorous imprisonment for a term of two years or upwards, unless the Durbar, or some other officer empowered in this behalf by the Durbar has, by order in writing consented to the initiation of the proceedings:

Provided that where the criminal conspiracy is one to which the provisions of sub-section (4) of section 184 apply no such consent shall be necessary.

187. In the case of any offence in respect of which the provisions of section 184 or section 185 apply, a District Magistrate may, notwithstanding anything contained in those sections or in any other part of this Code, order preliminary investigation by a police-officer not being below the rank of Inspector, in which case such police-officer shall have the powers referred to in section 149, sub-section (3).

Preliminary inquiry in certain cases.

188. (1) Where any person who is a Judge within the meaning of section 12 of the Jaipur Penal Code, or when any Magistrate, or when any public servant who is not removable from his office save by or with the sanction of the Durbar or some higher authority, is accused of any offence alleged to have been committed by him while acting or purporting to act in

Prosecution of Judges and public servants.

the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Durbar.

Power of Durbar as to prosecution.

(2) The Durbar may determine the person by whom, the manner in which, the offence or offences for which, the prosecution of such Judge, Magistrate or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Prosecution for breach of contract, defamation and offences against marriage

189. No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Jaipur Penal Code or under sections 483 to 486 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence;

Provided that, where the person so aggrieved is a woman who, according to the customs and manners of the country, ought not to be compelled to appear in public, or where such person is under the age of eighteen years or is an idiot or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his or her behalf.

Prosecution for adultery or enticing a married woman

190. No Court shall take cognizance of an offence under section 487 or section 488 of the Jaipur Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, made with the leave of the Court by some person who had care of such woman on his behalf at at the time when such offence was committed:

Provided that, where such husband is under the age of eighteen years, or is an idiot or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court make a complaint on his behalf.

Objection by lawful guardian to complaint by person other than person aggrieved.

191. When in any case falling under section 189 or section 190, the person on whose behalf the complaint is sought to be made is under the age of eighteen years or is a lunatic and the person applying for leave has not been appointed or declared by competent authority to be the guardian of the person of the said minor or lunatic, and the Court is

satisfied that there is a guardian so appointed or declared, notice shall be given to such guardian, and the Court shall, before granting the application, give him a reasonable opportunity of objecting to the granting thereof.

CHAPTER XVI.

Of Complaints.

Examination of complainant.

192. A Court taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the presiding officer:

Provided as follows:—

(a) when the complaint is made in writing, nothing herein contained shall be deemed to require a Court to examine the complainant before transferring the case under section 182;

(b) when the complaint is made in writing, nothing herein contained shall be deemed to require the examination of a complainant in any case in which the complaint has been made by a Court or by a public servant acting or purporting to act in the discharge of his official duties;

(c) when the case has been transferred under section 182 and the Court so transferring it has already examined the complainant, the Court to which it is so transferred shall not be bound to re-examine the complainant.

Procedure by Court not competent to take cognizance of the case.

193. (1) If the complaint has been made in writing to a Court which is not competent to take cognizance of the case, it shall return the complaint for presentation to the proper Court with an endorsement to that effect.

(2) If the complaint has not been made in writing, such Court shall direct the complainant to the proper Court.

Postponement for issue of process.

194. (1) Any Court, on receipt of a complaint of an offence of which it is authorised to take cognizance, or which has been transferred to it under section 182, may, if it thinks fit, for reasons to be recorded in writing, postpone the issue of process [illegible] the person complained [illegible]-self or direct an inquiry or investigation [illegible] any Court subordinate to it or by a police-officer, or by such other person as it thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint:

Provided that no such direction shall be made—

(*a*) unless the complainant has been examined on oath under the provisions of section 192, or

(*b*) where the complaint has been made by a Court under the provisions of this Code.

(2) If any inquiry or [illegible] is made by a person not being [illegible] such person shall exercise all the powers conferred by the [illegible] on an officer in charge of a police-station, except that he shall not have power to arrest without warrant.

(3) Any Magistrate inquiring into a case under this section may, if he thinks fit, take evidence of witnesses on oath.

Dismissal of complaint.

195. The Court before which complaint is made or to which it has been transferred, may dismiss the complaint, if, after considering the statement on oath (if any) of the complainant and the result of any investigation or inquiry under section 1[illegible], there is in its judgment no sufficient ground for proceeding. In such case it shall briefly record its reasons for so doing.

CHAPTER XVII.

OF THE COMMENCEMENT OF PROCEEDINGS BEFORE MAGISTRATES.

Issue of process.

196. (1) If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceding, and the case appears to be one in which, according to the fourth column of the

first schedulê, a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which, according to that column a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has not jurisdiction himself) *some other Magistrate having jurisdiction.*

(2) Nothing in this section shall be deemed to affect the provisions of section 90.

(3) When by any law for the time being in force any process-fees or other fees are payable, no process shall be issued untill the fees are paid, and, if such fees are not paid within a reasonable time, the Magistrate may dismiss the complaint.

Magistrate may dispense with personal attendance of accused

197. (1) Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

(2) But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided

CHAPTER XVIII.

PROCEDURE IN CASES FOUND AT THE TRIAL TO BE COGNIZABLE EXCLUSIVELY BY THE COURT OF SESSION.

When charge is to be framed.

198. (1) Where a District Magistrate or a Magistrate of the first class, taking cognizance of an offence under section 180 of this Code is of opinion, after recording the evidence and examination referred to in section 239, that there is ground for presuming that the accused has committed an offence exclusively triable by the Court of Session, or triable by such Magistrate but which cannot be adequately punished by him, he shall frame a charge under his hand declaring with what offence the accused is charged.

Charge to be explained and copy furnished to the accused.

(2) As soon as such charge has been framed, it shall be read and explained to the accused, and a copy thereof shall, if he so requires, be given to him free of cost.

List of witnesses for defence on trial.

199. (1) The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

Further list

(2) The Magistrate may, in his discretion, allow the accused to give in any further list of witnesses at a subsequent time.

Order of commitment

200. When the accused, on being required to give in a list under section 199, has declined to do so, or when he has given in such list, the Magistrate may make an order committing the accused for trial by the Court of Session and shall also record briefly the reasons for such commitment.

Quashing commitments under section 200.

201. A commitment once made under section 200 by a competent Magistrate or by a Civil or Revenue Court under section 368 can be quashed by the Chief Court only, and only on a point of law.

Summons to witnesses for defence when accused is committed.

202. When the accused has given in any list of witnesses under section 199 and has been committed for trial, the Magistrate shall summon the witnesses to appear before the Court to which the accused has been committed:

Refusal to summon unnecessary witness unless deposit made.

Provided that if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and, if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal) or may before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness and all other proper expenses.

Bond of complainants and witnesses.

203. (1) Complainants and witnesses for the prosecution and defence, whose attendance before the Court of Session is necessary and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the Court of Session to prosecute or to give evidence, as the case may be.

Detention in custody in case of refusal to attend or to execute bonds.

(2) If any Complainant or witness refuses to attend before the Court of Session, or execute the bond above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session is required, when the Magistrate shall send him in custody to the Court of Session.

Commitment when to be notified

204. When the accused is committed for trial the Magistrate shall issue an order to such person as may be appointed by the Durbar in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge;

Charge etc., to be forwarded to Court of Session

and shall send the charge, the record of the enquiry and any weapon or other thing which is to be produced in evidence, to the Court of Session.

Power to summon supplementary witnesses.

205. The commiting Magistrate or, in the absence of such Magistrate, any other Magistrate empowered by or under section 198 may, if he thinks fit, summon supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

Custody of accused pending trial.

206. Until and during the trial, the Magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused by warrant, to custody.

CHAPTER XIX.

OF THE CHARGE.

Form of Charges.

Charge to state offence.

207 (1) Every charge under this Code shall state the offence with which the accused is charged.

(2) If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

Specific name of offence sufficient desiption

(3) If the law which creates the offence does not give it any specific name so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

How stated where offence has no specific name

(4) The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

(5) The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

What implied in charge.

(6) If the accused having been previously convicted of any offence, is liable, by reason of such previous conviction, to enhanced punishment, or to punishment of a different kind, for a subsequent offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court may think fit to award for the subsequent offence, the fact, date and place of the previous conviction shall be stated in the charge. If such statement has been omitted, the Court may add it at any time before sentence is passed.

Previous conviction when to be set out.

Illstruations.

(*a*) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in sections 287 and 288 of the Jaipur Penal Code, that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 288, or that, if it did fall within Exception I, one or other of the three provisos to that exception apply to it.

(*b*) A is charged, under section 315 of the Jaipur Penal Code, with voluntarily causing grievous hurt to B by means of an instrument of

shooting. This is equivalent to a statement that the case was not provided for by section 324 of the Jaipur Penal Code, and that the general exceptions did not apply to it.

(*c*) A is accused of murder, cheating, theft, extortion adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery, or criminal intimidation, or that he used a false property mark without reference to the definitions of those crimes contained in the Jaipur Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(*d*) A is charged, under section 173 of the Jaipur Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Particulars as to time place and person

208. (1) The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

(2) When the accused is charged with criminal breach of trust or dishonest misappropriation of money it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 220:

Provided that the time included between the first and last of such dates shall not exceed one year.

When manner of committing offence must be stated

209. When the nature of the case is such that the particulars mentioned in sections 207 and 208 do not give the accused sufficient notice of the matter with which he is charged, the [illegible] shall also contain such particular[illegible]

the alleged offence was committed as will be sufficient for that purpose.

Illustrations

(*a*) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(*b*) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(*c*) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(*d*) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(*e*) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(*f*) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

Words in charge taken in sense of law under which offence is punishable.

210. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Effect of errors.

211. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was in fact misled by such error or omission, and it has occasioned a failure of justice.

Illustrations.

(*a*) A is charged under section 229 of the Jaipur Penal Code, with having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission the error shall not be regarded as material.

(*b*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in the case, a material error

(*d*) A is charged with the murder of Khuda Buksh on the 21st January, 1882. In fact, the murdered person's name was Haider Buksh, and the date of the murder was the 20th January, 1882. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(*e*) A was charged with murdering Haidar Baksh on the 20th January 1882, and Khuda Baksh (who tried to arrest him for that murder) on the 21st January, 1882. When charged for the murder of Haidar Baksh, he was tried for the murder of Khuda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

Procedure on commitment without charge or with imperfect charge.

212 When any person is committed for trial withou charge, or with an imperfect or errone charge, the Court, may frame a charge or to or otherwise alter the charge, as the c may be, having regard to the rules contai in this Code as to the form of charges.

Illustrations.

1. A is charged with the murder of C. A charg abetting the murder of C may be addec substituted.

2. A is charged with forging a valuable security un section 152 of the Jaipur Penal Code. charge of fabricating false evidence un section 182 may be added.

3. A is charged with receiving stolen property know it to be stolen. During the trial it incident appears that he has in his possession inst ments for the purpose of counterfeiting c A charge under section 224 of the Jai Penal Code cannot be added.

Court may alter charge.

213 (1) Any Court may alter or add to any charg any time before judgment is pronounced

(2) Every such alteration or addition shall be read explained to the accused.

When trial may proceed immediately after alteration.

214 If the charge framed or alteration or addition n under section 212 or section 213 is such proceeding immediately with the trial is likely, in the opinion of the Court, to judice the accused in his defence or the prosecutor in conduct of the case, the Court may, in its discretion, a such charge or alteration or addition has been framed or n proceed with the trial as if the new or altered charge been the original charge

When new trial may be directed, or trial suspended.

215. If the new or altered or added charge is such proceeding immediately with the tri likely, in the opinion of the Court, to judice the accused or the prosecutor as a said, the Court may either direct a new trial or adjourn trial for such period as may be necessary.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

216. If the offence stated in the new or altered or added charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

Recall of witnesses when charge altered.

217. (1) Whenever a charge is altered or added to by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon, and examine with reference to such alteration or addition, any witness who may have been examined, and also to call any further witness whom the Court may think to be material.

Effect of material error.

218. (1) If any Appellate court, or the Chief Court in the exercise of its powers of revision or of its powers under Chapter XXVI is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

(2) If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence, under section 185 of the Jaipur Penal Code, upon a charge which omits to state that he knew the evidence, which he corruptly used or attempted to use as true or genuine, was false or fabricated. If the Court thinks it probable that A had such knowledge and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of charges.

Separate charges for distinct offences.

219. For every distinct offence of which any person is accused there shall be a separate charge and every such charge shall be tried separately, except in the cases mentioned in sections 220, 221, 222 and 225.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and causing grievous hurt.

Three offences of the same kind within a year may be charged together.

220. (1). When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, as against the same individual, he may be charged with, and tried at one trial for, any number of them not exceeding three.

(2). Offences are of the same kind when they are punishable with same amount of punishment under the same section of the Jaipur Penal Code or of any special or local law:

Provided that, for the purpose of this section, an offence punishable under section 368 of the Jaipur Penal Code shall be deemed to be an offence of the same kind as an offence punishable under section 369 of the said Code, and that an offence punishable under any section of the Jaipur Penal Code, or of any special or local law, shall be deemed to be an offence of the same kind as an attempt to commit such offence, when such an attempt is an offence.

Trial for more than one offence.

221 (1) If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

Offence falling within two definitions.

(2) If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for each of such offences.

(3) If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with, and tried at one trial for, the offence constituted by such acts when combined, and for any offence constituted by any one, or more, of such acts.

Acts constituting one offence but constituting when combined a different offence.

(4) Nothing contained in this section shall affect the Jaipur Penal Code, section 59.

Illustrations.

to sub-section (1)—

(*a*) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was, A may be charged under sections 216 and 322 of the Jaipur Penal Code.

(*b*) A commits house-breaking by day with intent to commit adultery, and commits in the house so entered adultery with B's wife. A may be separately charged with, and covicted of, offences under sections 439 and 487 of the Jaipur Penal Code.

(*c*) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 488 and 487 of the Jaipur Penal Code.

(*d*) A has in his possession several seals, knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 451 of the Jaipur Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 458 of the Jaipur Penal Code.

(*e*) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having

committed an offence, knowing that there is no just or lawful ground for such charges. A may be separately charged with, and convicted of, two offences under section 200 of the Jaipur Penal Code.

(*f*) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 200 and 183 of the Jaipur Penal Code.

(*g*) A, with six others, commits the offences of rioting, grievous hurt and assulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with and convicted of, offences under sections 136, 314 and 141 of the Jaipur Penal Code.

(*h*) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 496 of the Jaipur Penal Code.

The separate charges referred to in Illustration (*a*) to (*h*) respectively may be tried at the same time.

to sub-section (2)—

(*i*) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 349 and 312 of the Jaipur Penal Code.

(*j*) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain pit. A and B may be separately charged with, and

convicted of, offences under section 400 and 403 of the Jaipur Penal Code.

(*k*) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 306 and 292 of the Jaipur Penal Code.

(*l*) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant of an offence under section 157 of the Jaipur Penal Code. A may be separately charged with, and covicted of, offences under sections 456 (read with 451 and 185 of the same Code.

to sub-section (3)—

(*m*) A commits robbery on B, and in doing so voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 312, 391 and 383 of the Jaipur Penal Code.

Where it is doubtful what offence has been committed.

222. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

Illustrations.

(*a*) A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

(*b*) A states on oath before the Magistrate that he saw B hit C with a club Before the Sessions Court A states on oath that B never hit C, A may be charged in the alternative and convicted of intentionally giving false evidence, although it cannot be proved which of these contradictory statements was false,

When a person is charged with one offence, he can be convicted of another.

223. (1) If, in the case mentioned in section 222 the accused is charged with one offence, and it appears in evidence, that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust or of receiving stolen goods (as the case may be) though he was not charged with such offence.

When offence proved included in offence charged

224. (1) When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved, but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

(2) When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

(3) When a person is charged with an offence, he may be convicted of an attempt to commit such offence although the attempt is not separately charged.

(4) Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 189 or section 190 when no complaint has been made as required by that section.

Illustrations.

(*a*) A is charged, under section 396 of the Jaipur Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 395 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 395.

(*b*) As is charged, under section 314 of the Jaipur Penal Code, with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 314 of the Code.

What persons may be charged jointly.

225. The following persons may be charged and tried together namely:—

(*a*) persons accused of the same offence committed in the course of the same transaction;

(*b*) persons accused of an offence and persons accused of abetment, or of an attempt to commit such offence;

(*c*) persons accused of more than one offence of the same kind within the meaning of section 220 committed by them jointly, within the period of twelve months;

(*d*) persons accused of different offences committed in the course of the same transaction;

(*e*) persons accused of an offence which includes theft, extortion, or criminal misappropriation, and persons accused of receiving or retaining, or assisting in the disposal or concealment of, property possession of which is alleged to have been transferred by any such offence committed by the first-named persons, or of abetment of or attempting to commit any such last-named offence;

(*f*) persons accused of offences under sections 400 and 403 of the Jaipur Penal Code or either of those sections in respect of stolen property the possession of which has been transferred by one offence; and

(*g*) persons accused of any offence under Chapter XII of the Jaipur Penal Code relating to counterfeit coin, and persons accused of any other offence under the said Chapter relating to the same coin, or of abetment of or attempting to commit any such offence;

and the provisions contained in the former part of this Chapter shall, so far as may be, apply to all such charges.

Withdrawal of remaining charges on conviction on one of several charges

226. When a charge containing more heads than one is framed against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

CHAPTER XX.

OF THE TRIAL OF SUMMONS-CASES BY MAGISTRATES.

Procedure in summons-cases.

227. The following procedure shall be observed by Magistrates in the trial of summons-cases.

Substance of accusation to be stated.

228. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge.

Conviction on admission of truth of accusation.

229. If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him; and, if he shows no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.

Procedure when no such admission is made.

230. (1) If the Magistrate does not convict the accused under the preceeding section or if the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence:

Provided that the Magistrate shall not be bound to hear any person as complainant in any case in which the complaint has been made by a Court,

(2) The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue a summons to any witness directing him to attend or to produce any document or other thing.

(3) The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

Acquittal.

231. (1) If the Magistrate upon taking the evidence referred to in section 230 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

Sentence.

(2) Where the Magistrate does not proceed in accordance with the provisions of section 270 or section 449, he shall, if he finds the accused guilty, pass sentence upon him according to law.

Finding not limited by complaint or summons.

232. A Magistrate may, under section 229 or section 231, convict the accused of any offence triable under this Chapter which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or summons.

Non-appearance of complainant.

233. If the summons has been issued on complaint, and upon the day appointed for appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused unless for some reason he thinks proper to adjourn the hearing of the case to some other day:

Provided that, where the complainant is a public servant and his personal attendance is not required, the Magistrate may dispense with his attendance, and proceed with the case.

Withdrawal of complaint

234. If a complainant, at any time before a final order is passed in any case under this Chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Power to stop proceedings when no complainant.

235. In any case instituted otherwise than upon complaint, a Magistrate of the first class, or with the previous sanction of the Distrsct Magistrate, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and thereupon realease the accused.

Frivolous Accusations in Summons and Warrant Cases.

False, frivolous or vexatious accusations

236. (1) If, in any case instituted upon complaint or upon information given to a police-officer or to a Magistrate, one or more persons is or are accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard discharges or acquits all or any of the accused, and is of opinion that the accusation against them or any of them was false and either frivolous or vexatious, the Magistrate may, by his order of discharge or acquittal, if the person upon whose complaint or information the accusation was made is present, call upon him forthwith to show cause why he should not pay compensation to such accused or to each or any of such accused when there are more than one, or, if such person is not present direct the issue of a summons to him to appear and show cause aforesaid.

(2) The Magistrate shall record and consider any cause which such complainant or informant may show, and if he is satisfied that the accusation was false and either frivolus or vexatious may, for reasons to be recorded, direct that compensation to such amount not exceeding one hundred rupees or, if the Magistrate is a Magistrate of the third class, not exceeding fifty rupees, as he may determine, be paid by such complainant or informant to the accused or to each or any of them.

(3) The Magistrate may, by the order directing payment of the compensation under sub-section (2) further order that, in default of payment, the person ordered to pay such compensation shall suffer simple imprisonment for a period not exceeding thirty days.

(4) When any person is imprisoned under sub-section (3), the provisions of sections 56 and 57 of the Jaipur Penal Code shall, so far as may be, apply.

(5) No person who has been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him:

Provided that any amount paid to an accused person under this section shall be taken into account in awarding compensation to such person in any subsequent civil suit relating to the same matter.

(6) A complainant or informant who has been ordered under sub-section (2) by a Magistrate of the second or third class to pay compensation or has been ordered by any other Magistrate to pay compensation exceeding fifty rupees may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(7) When an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (6), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided and, when such order is made in a case which is not so subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order.

CHAPTER XXI.

OF THE TRIAL OF WARRANT-CASSES.

237. The following procedure shall be observed by Courts in the trial of warrant-cases.

Procedure in warrant-cases.

238. (1) When the accused appears or is brought before a Court, such Court shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution:

Evidence for prosecution.

Provided that the Court shall not be bound to hear any person as complainant in any case in which the complaint has been made by a Court.

(2) The Court shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before itself such of them as it thinks necessary.

(3) The accused shall be at liberty to cross-examine the witnesses for the prosecution and in such a case the complainant or the presecutor may re-examine them.

239. (1) If, upon taking all the evidence referred to in section 238, and such further evidence as it considers necessary under section 428 to summon, and making such examination (if any) of the accused as the Court thinks necessary, it finds that no case against the accused has been made out which, if unrebutted, would warrant his conviction, the Court shall discharge him.

Discharge of accused.

(2) Nothing in this section shall be deemed to prevent a Court from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Court, it considers the charge to be groundless.

240. If, when such evidence and examination have been taken and made, or at any previous stage of the case, the Court is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Court is competent to try, and which, in its opinion, could be adequately punished by him, it shall frame in writing a chage against the accused.

Charge to be framed when offence appears proved.

Plea.

241. (1) The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

(2) If the accused pleads guilty, the Court shall record the plea, and may in its discretion convict him thereon.

Procedure in case of previous convictions.

242. In a case where a previous conviction is charged under the provisions of section 207, sub-section (6), and the accused does not admit that he has been previously convicted as alleged in the charge, the Court may, after it has convicted the said accused under section 241, sub-section (2), or section 245, take evidence in respect of the alleged previous conviction, and shall record a finding thereon.

Defence.

243. (1) If the accused refuses to plead, or does not plead, or claims to be tried he shall be required to state, at the commencement of the next hearing of the case or, if the Court, for reasons to be recorded in writing, so thinks fit, forthwith, whether he wishes to cross-examine any, and, if so, which, of the witnesses for the prosecution whose evidence has been taken. If he says he does so wish, the witnesses named by him shall be re-called even though cross-examined earlier, and, after cross examination and re-examination (if any), they shall be discharged. The evidence of any remaining witnesses for the prosecution shall next be taken, and, after cross-examination and re-examination (if any), they also shall be discharged; The accused shall then be called upon to enter upon his defence and produce his evidence.

(2) If the accused puts in any written statement, the Court shall file it with record.

Process for compelling production of evidence at instance of accused.

244. (1) If the accused, after he has entered upon his defence, applies to the Court to issue any process for compelling the attendance of any witness for the purpose of examination or cross-examination, or the production of any document or other thing, the Court shall issue such process unless it considers that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice. Such ground shall be recorded by it in writing:

Provided that, when the accused has cross-examined or had the opportunity of cross-examining any witness after the charge is framed, the attendance of such witness shall not be compelled under this section, unless the Court is satisfied that it is necessary for the purposes of justice.

(2) The Court may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Acquittal.

245 (1) If in any case under this Chapter in which a charge has been framed the Court finds the accused not guilty, it shall record an order of acquittal.

Conviction

(2) Where in any case under this Chapter the Court does not proceed in accordance with the provisions of section 270 or section 449, it shall, if it finds the accused guilty, pass sentence upon him according to law.

Absence of complainant.

246. When the proceedings have been instituted upon complaint, and upon any day fixed for the hearing of the case the complainant is absent, and the offence may be lawfully compounded, or is not a cognizable offence, the Court may, in its discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

CHAPTER XXII.

OF TRIALS BEFORE COURTS OF SESSION.

A.—Commencement of Proceedings.

Commencement of Trial.

247. (1) Where the accused has been committed by a Magistrate for trial by the Court of Session, he shall appear or be brought before it, and the charge shall be read out in Court and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

(2). If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Plea of guilty.

Provided that a plea of guilty shall not be accepted by the Court when the accused is charged with any of the capital offences, but the Court shall proceed with the trial in the same manner as in the case provided under the section following.

248. If the accused refuses to, or does not plead, or if he claims to be tried, the Court shall note the same and the prosecutor shall open his case by reading from the Jaipur Penal Code or other law the description of the offence charged and stating shortly by what evidence he expects to prove the guilt of the accused. The prosecutor shall then examine his witnesses.

Refusal to plead or claim to be tried.

B:—Trial to close of cases for Prosecution and Defence.

249. The examination of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Examination of accused before Magistrate to be evidence.

250. The evidence of a witness, duly recorded in the presence of the accused under Chapter XVII, may, in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case for all purposes subject to the provisions of the Jaipur Evidence Act.

Evidence given at preliminary inquiry admissible.

251. (1) When the examination of the witnesses for the prosecution and the examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence.

Procedure after examination of witnesses for prosecution.

(2) If he says that he does not, the prosecutor may sum up his case; and, if the Court considers that there is no evidence that the accused committed the offence, it may then record a finding of not guilty.

(3) If the accused, or any one of several accused, says that he means to adduce evidence, and the Court considers that there is no evidence that the accused committed the offence, the Court may then record a finding of not guilty.

(4) If the accused, or any one of several accused, says that he means to adduce evidence and the Court considers that there is evidence that he committed the offence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is evidence that the accused committed the offence the Court shall call on the accused to enter on his defence.

Defence.

252. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence for the prosecution. He may then examine his witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case.

Right of accused as to examination and summoning of witnesses.

253. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in sections 199 and 217, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Prosecutor's right of reply

254. The prosecutor shall be entitled to reply—

(a) if the accused or any of the accused adduces any oral evidence; or

(b) with the permission of the Court, on a point of law; or

(c) with the permission of the Court, when any document which does not need to be proved is produced by any accused person after he enters on his defence:

Provided that, in the case referred to in clause (c) the reply shall, unless the Court otherwise permits, be restricted to comment on the document so produced.

Judgment.

255. When the case for the defence and the prosecutor's reply (if any) are concluded Judge shall give judgment acquitting the accused if found "not guilty." If the accused is convicted the Judge shall pass sentence on him according to law.

256. Notwithstanding anything in the last foregoing sections, evidence of the previous conviction may be given at the trial for the subsequent offence, if the fact of the previous conviction is relevant under the provisions of the Jaipur Evidence Act.

Evidence of previous conviction if relevant.

CHAPTER XXIII.

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

257 (1) In the case of any offence triable exclusively by the Court of Session, or any offence punishable with imprisonment which may extend to ten years, or any offence punishable under section 200 of the Jaipur Penal Code with imprisonment which may extend to seven years, or any offence un[illegible] ctions of the Jaipur Penal Code, na[illegible] 423 and 463, the District Magistra[illegible] the District Magistrate, a Magistrate of the first class may, at any stage of the investigation, or inquiry into, or the trial of the offence, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof:

Tender of pardon to accomplice.

Provided that, where the offence is under inquiry or trial, no Magistrate of the first class other than the District Magistrate shall exercise the power hereby conferred unless he is the Magistrate making the inquiry or holding the trial, and, where the offence is under investigation, no such Magistrate shall exercise the said power unless he is a Magistrate having jurisdiction in a place where the offence might be inquired into or tried and the sanction of the District Magistrate has been obtained to the exercise thereof.

(2) Every Magistrate who tenders a pardon under sub-section (1) shall record his reasons for so doing, and shall, on application made by the accused, furnish him with a copy of such record:

Provided that the accused shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.

(3) The Court of Session, with the view of obtaining at the trial, pending before it, the evidence of the aforesaid person, may, at any time before judgment, tender, or order the District or committing Magistrate to tender, pardon to such person on the condition referred to in Sub-section (1).

(4) In every case where a person has accepted a tender of pardon and has been examined under section 258 sub-section (1) the Magistrate before whom the proceedings are pending shall, if he is satisfied that there are reasonable grounds for believing that the accused is guilty of an offence, commit him for trial to the Court of Session.

(5) Such person, unless he is already on bail, shall be detained in custody until the termination of the trial.

Person, accepting pardon, to be examined as a witness.

258. (1) Every person accepting a tender under section 257 shall be examined as a witness in the case.

Substitue for Sub-section (2), Section 258 of the Jaipur Code of Criminal

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any of the other accused, and that he shall be entitled to plead at such trial that he has complied with the conditions upon which such tender was made, in which case it shall be for the prosecution to prove that such conditions have not been complied with.

(2) The statement made by a person who has accepted a tender of pardon may be given in evidence against him at such trial.

(3) No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the Chief Court.

Procedure in trial of person under section 259.

260. (1) The Court trying under section 259 a person who has accepted a tender of pardon shall—

(a) in case of commitment to a Court of Session, before the charge is read out and explained to the accused under section 247, sub-section (1), and

(b) in all other cases before the evidence of the witnesses for the prosecution is taken,

ask the accused whether he pleads that he has complied with the conditions on which the tender of the pardon was made.

(2) If the accused does so plead, the Court shall record the plea and proceed with the trial, and the Court shall, before judgment is passed in the case, find whether or not the accused has complied with the conditions of the pardon, and, if it is found that he has so complied, the Court shall, notwithstanding any thing contained in this Code, pass judgment of acquittal.

Right of person against whom proceedings are instituted to be defended and his competency to be a witness

261. (1) Any person accused of an offence before a Criminal Court, or against whom proceedings are instituted under this Code in any such Court, may of right be defended by a pleader.

(2) Any person against whom proceedings are instituted in any such Court under section 105, or under Chapter X, Chapter XI, or Chapter XII, or under section 441, may offer himself as a witness in such proceedings.

Procedure where accused does not understand proceedings

262. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and if such inquiry results in a commitment, or if such trial results in a conviction, the

proceedings shall be forwarded to the Chief Court with a report of the circumstances of the case, and the Chief Court shall pass thereon such order as it thinks fit.

Power to examine the accused.

263. (1) For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined and before he is called on for his defence.

(2) The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court may draw such inference from such refusal or answers as it thinks just.

(3) The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

(4) No oath shall be administered to the accused.

No influence to be used to induce disclosures.

264. Except as provided in sections 257 and 258 no influence by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Power to postpone or adjourn proceedings.

265. (1) If, from the absence of a witness, or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn any inquiry or trial, the Court may, if it thinks fit, by order in writing, stating the reasons therefor, from time to time, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Remand

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time.

(2) Every order made under this section by a Court shall be in writing signed by the presiding Judge or Magistrate.

Reasonable cause for remand

Explana ion—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Compounding offences

266. (1) The offences punishable under the sections of the Jaipur Penal Code specified in the first two columns of the table next following may be compounded by the persons mentioned in the third column of that table:—

Offence.	Sections of the Jaipur Penal Code applicable.	Persons by whom offence may be compounded.
Uttering words, etc, with deliberate intent to wound the religious feelings of any person.	281	The person whose religious feelings are intended to be wounded.
Causing hurt ..	312, 323	The person to whom the hurt is caused.
Wrongfully restraining or confining any person.	330, 331	The person restrained or confined.
Assault or use of criminal force	341, 344, 347	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour.	363	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person,	415, 416	The person to whom the loss or damage is caused.
Criminal trespass ..	432	The person in possession of the property trespassed upon.
House trespass ..	433	
Criminal breach of contract of service	480,481,482	The person with whom the offender has contracted.
Adultery ..	487	The husband of the woman.
Enticing or taking away or detaining with criminal intent a married woman.	488	
Defamation	490	The person defamed.
Printing or engraving matter, knowing it to be defamatory	491	
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	492	

Offence.	Sections of the Jaipur Penal Code applicable.	Persons by whom offence may be compounded.
Insult intended to provoke a breach of the peace.	494	The person issulted.
Criminal intimidation, except when the offence is punishable with imprisonment for seven years.	496	The person intimid ted.
Act caused by making a person believe that he will be an object of divine displeasure.	498	The person agains whom the offence w committed.

(2) The offences punishable under the sections of th Jaipur Penal Code specified in the first two columns of th table next following may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the persons mentioned in the third column of the table:—

Offence	Sections of the Jaipur Penal Code applicable.	Persons by whom offence may be compounded.
Voluntarily causing hurt by dangerous weapons or means.	313	The person to whom hurt is caused.
Voluntarily causing grievous hurt.	314	Ditto.
Voluntarily causing grievous hurt on grave and sudden provocation	324	Ditto.
Causing hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	326	The person to whom hurt is caused.
Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	327	Ditto.
Wrongfully confining a person for three days or more.	332	The person confined.
Wrongfully confining a person in secret.	335	Ditto.
Assault or criminal force in attempting wrongfully to confine a person.	346	The person assaulted or to whom the force was used.

Offence.	Sections of the Jaipur Penal Code applicable.	Persons by whom offence may be compounded.
Dishonest misappropriation of property.	392	The owner of the property misappropriated.
Cheating	406	The person cheated.
Che ting a person whose interest the offender was bound, by law or by legal contract, to protect.	407	Ditto.
[illegible]	408	Ditto.
[illegible]	409	Ditto.
[illegible] ing, alteration or destruction of a valuable security.		
Mischief by injury to work of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to a private person.	419	The person to whom the loss or damage is caused.
House-trespass to commit an offence (other than theft) punishable with imprisonment.	436	The person in possession of the house trespassed upon.
Using a false trade or property mark.	468	The person to whom loss or injury is caused by such use.
Counterfeiting a trade or property mark used by another.	469	The person whose trade or property mark is counterfeited.
Knowingly selling, or exposing or possessing for sale or for trade or manufacturing puspose, goods marked with a counterfeit trade or property mark.	472	Ditto.
Marrying again during the lifetime of a husband	484	The husband of the person so marrying.

(3) When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself, an offence) may be compounded in like manner.

(4) When the person who would otherwise be competent to compound an offence under this section is under the age of eighteen years or is an idiot or a lunatic, any person competent to contract on his behalf may, with the permission of the Court, compound such offence.

(5) When the accused has been committed for tria or when he has been convicted and an appeal is pending, n composition for the offence shall be allowed without th leave of the Court to which he is committed, or, as the cas may be, before which the appeal is to be heard.

(6) The Chief Court acting in the exercise of i powers of revision under section 351 may allow any person compound any offence which he is competent to compou under this section.

(7) The composition of an offence under this sectio shall have the effect of an acquittal of the accused with who the offence has been compounded.

(8) No offence shall be compounded except as provid by this section.

(9) The Court shall pass orders promptly aft satisfying itself that the complainat understood the petiti and really desired to compound the case.

(10) A petition once filed shall not be withdrawn.

Procedure of Magistrate in cases which he cannot dispose of.

267 (1) If, in course of an inquiry or a trial befor Magistrate, the evidence appears to him warrant a presumption that the case is [illegible]

shall stay proc[illegible] explaining its nature, to any Magistrate to whom he is sub dinate or to such other Magistrate, having jurisdiction, as District Magistrate directs.

(2) The Magistrate to whom the case is submitted may so empowered, either try the case himself, or refer it to Magistrate subordinate to him having jurisdiction, or com the accused for trial.

Procedure when, after commencement of inquiry or trial Magistrate finds case should be committed.

268. (1) If in any inquiry before a Magistrate, or in trial before a Magistrate before signing ju ment, it appears to him at any stage of proceedings that the case is one which ou to be tried by the Court of Session and if is empowered to commit for trial, he sl commit the accused under the provisions herein before contai

(2) If such Magistrate is not empowered to commit for trial, he shall proceed under section 267.

Trial of persons previously convicted of offences against coinage, stamp law or property

269. (1) Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Jaipur Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those Chapters with imprisonment for a term of three years or upwards, shall if the Magistrate before whom the case is pending is satisfied that there are sufficient grounds for committing the accused be committed to the Court of Session, unless the Magistrate is competent to try the case and is of opinion that he can himself pass an adequate sentence if the accused is convicted:

(2) When any person is committed to the Court of Session under sub-section (1), any other person accused jointly with him in the same inquiry or trial shall be similarly committed, unless the Magistrate discharges such other person,

Procedure when Magistrate cannot pass sentence sufficiently severe

270 (1) Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion, after hearing the evidence for the prosecution and the accused, that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under section 104 he may record the opinion and submit his proceedings, and forward accused, to the District Magistrate to whom he is subordinate.

(2) When more accused than one are being tried together and the Magistrate considers it necessary to proceed under sub-section (1) in regard to any of such accused, he shall forward all the accused who are in his opinion guilty to the District Magistrate:

(3) The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case and may call for and take any further evidence, and shall pass such judgment, sentence or order in the case as he thinks fit, and as is according to law.

Provided that he shall not inflict a punishment more severe than he is empowered to inflict under sections 21 ... 22

Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.

271. (1) Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in any inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and recommence the inquiry or trial:

Provided as follows:—

(*a*) in any trial the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard;

(*b*) the Chief Court or, in cases tried by Magistrate subordinate to the District Magistrate, the District Magistrate may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was held, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby and may order a new inquiry or trial.

(2) Nothing in this section applies to cases in which proceedings have been stayed under section 267 or in which proceedings have been submitted to a superior Magistrate under section 270.

(3) When a case is transferred under the provisions of this Code from one Magistrate to another, the former shall be deemed to cease to exercise jurisdiction therein, and to be succeeded by the latter within the meaning of sub-section (1).

Changes in constitution of Benches.

272. No order or judgment of a Bench of Magistrates shall be invalid by reason only of a change having occurred in the constitution of the Bench in any case in which the Bench by which such order or judgment is passed is duly constituted under sections 13 and 14 and the Magistrates constituting the same have been present on the Bench throughout the proceedings.

273. (1) Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of inquiry into or trial of any offence of which such Court can take cognizance and which, from the evidence, may appear to have been committed, and may be proceeded against as though he had been arrested or summoned.

Detention of offenders attending Court

(2) When the detention takes place in the course of an inquiry under Chapter XVIII or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh, and the witnesses re-heard.

274. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Courts to be open

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case, that the public generally or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXIV.

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

275. Except as otherwise expressly provided, all evidence taken under Chapters XVIII, XX, XXI, and XXII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Evidence to be taken in presence of accused.

276. In inquiries and trials under this Code by or before a Magistrate or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

Manner of recording evidence.

277. (1). In all trials before Court of Session and Magistrates and in all inquiries by and proceedings before Magistrates the evidence of each witness shall be taken down in writing in the language of the Court by the Magistrate or Sessions Judge or

Record in cases before Court of Session and Magistrates.

in his presence and hearing and under his personal direction and superintendence and shall be signed by the Magistrate or Session Judge.

Evidence given in English.

(2) When the ev[illegible] in English the [illegible] may take it dow[illegible] own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

Memorandum when evidence not taken down by the Magistrate or Judge himself.

(3) In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness proceeds make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand and shall form part of the record.

(4) If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

Mode of recording evidence.

278. (1) Evidence shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

(2) The Magistrate or Sessions Judge may, in his discretion, take down, or cause to be taken down, any particular question and answer.

Procedure in regard to each evidence when completed.

279. (1) As the evidence of each witness is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

(2) If the witness denies the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

(3) If the evidence is taken down in a language different from that in which it has been given and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a languge which he understands.

Interpretation of evidence to accused or his pleader.

280. (1) Whenever any evidence is given in a language not understood by the accused, and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

(2) If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

(3) When documents are put in for the purpose of formal proof, it shall be in the disceretion of the Court to interpret as much thereof as appears necessary.

Remarks respecting demeanour of witness.

281. When a Sessions Judge or Magistrate has recorded the evidence of a witness, he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

Examination of accused how recorded.

282. (1) Whenever the accused is examined by any Court the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or in English: and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

(2) When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing and that the record contains a full and true account of the statement made by the accused.

(3) In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

Record of evidence in Chief Court

283. The Chief Court shall from time to time, by general rule, prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Evidence shall be taken down in accordance with such rule.

CHAPTER XXV

OF THE JUDGMENT.

Mode of delivering judgment.

284. (1) The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced, or the substance of such judgment shall be explained.—

(*a*) in open Court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders, and

(*b*) in the language of the Court, or in some other language which the accused or his pleader understands:

Provided that the whole judgment shall be read out by the presiding Judge, if he is requested so to do either by the prosecution or the defence.

(2) The accused shall, if in custody, be brought up, or, if not in custody, be required by the Court to attend to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted, in either of which casses it may be delivered in the presence of his pleader.

(3) No judgment delivered by the Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his pleader on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their pleaders or any of them, the notice of such day and place.

(4) Nothing in this section shall be construed to limit in any away the extent of the provisions of section 423.

Language of judgment Contents of judgment.

285. (1) Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court or from the dictation of such presiding officer in the language of the Court, or in English; and shall contain the point or points for determination, the decision thereon and the reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it and where it is not written by the presiding officer with his own hand, every page of such judgment shall be signed by him.

Judgment in alternative.

(2) It shall specify the offence (if any) of which, and the section of the Jaipur Penal Code or other law under which the accused is convicted, and the punishment to which he is sentenced.

(3) When the conviction is under the Jaipur Penal Code and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same and pass judgment in the alternative.

(4) If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

(5) If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death; the Court shall in its judgment state the reason why sentence of death was not passed:

(6) For the purposes of this section, an order under section 115 or section 120, sub-section (3), shall be deemed to be a judgment.

Sentence of death.

286. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Court not to alter judgment.

287. Save as otherwise provided by this Code or by any other law for the time being in force no Court, when it has signed its judgment, shall alter or review the same, except to correct a clerical error.

Copy of judgment, etc., to be given to accused on application.

288. (1) On the application of the accused a copy of the judgment shall be given to him without delay. Such copy shall, in any case other than a summons case, be given free of cost.

Case of person sentenced to death.

(2) When the accused is sentenced to death or to imprisonment for life by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Judgment when to be translated.

289. The original judgment shall be filed with the record of proceedings.

Court of Session to send copy of finding and sentence to District Magistrate.

290. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the District Magistrate within the local limits of whose jurisdiction the trial was held.

CHAPTER XXVI.

OF THE SUBMISSION OF SENTENCES FOR CONFIRMATION.

Sentence of death and imprisonment for life to be submitted to the Durbar.

291. When the Court of Session passes sentence of death, or of imprisonment for life, or when the Chief Court confirms or passes such sentence the proceedings shall be submitted to the Chief Court or the Durbar, as the case may be, and the sentence shall not be executed unless it is confirmed by the Durbar.

Power to direct further inquiry to be made or additional evidence to be taken.

292. (1) If, when such proceedings are submitted to the Chief Court, such Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself, or direct it to be made or taken by the Court of Session.

(2). Unless the Chief Court otherwise directs, the presence of the convicted person may be dispensed with, when such inquiry is made or such evidence is taken.

(3). The witnesses, if any, examined at the inquiry in pursuance of the order under sub-section (1), may be cross-examined and re-examined by the party entitled thereto.

(4). When the inquiry and the evidence, if any, are not made and taken by the Chief Court, the result of such inquiry and the evidence shall be certified to such Court.

Power of Chief Court or Darbar to confirm sentence or annul conviction

293. In any case submitted under section 291, the authority to which it is submitted—

(a) may confirm the sentence, or pass any other sentence warranted by law, or

(b) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or

(c) may acquit the accused person:

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

Confirmation or new sentence to be signed by two Judges.

294. In every case so submitted, the confirmation of the sentence or any new sentence or order passed by the Chief Court, shall be made, passed and signed by at least two Judges.

Procedure in cases of difference of opinion.

295. When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion

Procedure in cases submitted to Chief Court for confirmation.

296. In cases submitted by the Court of Session to the Chief Court under section 291 for the confirmation of sentence, the proper officer of the Chief Court shall, without delay, after the order of confirmation or other order has been made by the Durbar, send a copy of the order under the seal of the Chief Court and attested with his official signature, to the Court of Session.

Procedure in cases submitted by Magistrate not empowered to act under section 419

297. Where proceedings are submitted to a Magistrate of the first class as provided by section 419, such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and, if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

CHAPTER XXVII

Of Execution

Execution of order passed under section 291.

298. When a sentence of death or imprisonment for life passed by a Court of Session is submitted for confirmation, such Court of Session shall, on receiving the order of confirmation of the Durbar or other final order of the Durbar or Chief Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Postponement of capital sentence on pregnant woman.

299. If a woman sentenced to death is found to be pregnant, the Chief Court shall order the execution of the sentence to be postponed, and may, if it thinks fit, recommend to the Durbar to commute the sentence to imprisonment for life.

Execution of sentence of transportation or imprisonment in other cases

300. Where the accused is sentenced to imprisonment in cases other than those provided for by section 298, the Court passing the sentence shall forthwith forward to the jail in which he is, or is to be confined, and, unless the accused is already confined in such jail, shall forward him to such jail, with the warrant.

Direction of warrant for execution.

301. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail, or other place in which the prisoner is, or is to be, confined.

Warrant with whom to be lodged.

302, When the *prisoner is to be confined in a jail*, the warrant shall be lodged with the jailor.

Warrant for levy of fine.

303 (1) Whenever an offender has been sentenced to pay a fine, the Court passing the sentence may take action for the recovery of the fine in either or both of the following ways, that is to say, it may—

(*a*) issue a warrant for the levy of the amount by attachment and sale of any moveable property belonging to the offender :

(*b*) issue a wararnt to the Nazim of the Nazimat authorising him to realise the amount by execution according to civil process against the moveable or immoveable property, or both, of the defaulter :

Provided that, if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no Court shall issue such warrant unless for special reasons to be recorded in writing it considers it necessary to do so.

(2) The Durbar may make rules regulating the manner in which warrants under sub-section (1), clause (a), are to be executed, and for the summary determination of any claims made by any person other than the offender in respect of any property attached in execution of such warrant.

(3) Where the Courts issue a warrant to the Nazim under sub-section (1), clause (*b*), such warrant shall be deemed to be a decree, and the Nazim to be the decree-holder, within the meaning of the Jaipur Code of Civil Procedure, and the nearest Civil Court by which any decree for a like amount could be executed shall, for the purposes of the said Code, be deemed to be the Court which passed the decree, and all the provisions of that Code as to execution of decrees shall apply accordingly :

Provided that no such warrant shall be executed by the arrest or detention in prison of the offender.

Effect of such warrant

304. A warrant issued under section 303, sub-section (1), clause (*a*), by any Court may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the attachment and sale of any such property without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

Suspension of execution of sentence of imprisonment.

305. (1) When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine, and the fine is not paid forthwith, the Court may—

(*a*) order that the fine shall be payable either in full on or before a date not more than thirty days from the date of the order, or in two or three instalments, of which the first shall be payable on or before a date not more than thirty days from the date of the order and the other or others at an interval or at intervals, as the case may be, of not more than thirty days, and

(*b*) suspend the execution of the sentence of imprisonment and release the offender, on the execution by the offender of a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before the Court on the date or dates on or before which payment of the fine or the instalments thereof as the case may be, is to be made; and if the amount of the fine or of any instalment as the case may be, is not realised on or before the latest date on which it is payable under the order, the Court may direct the sentence of imprisonment to be carried into execution at once.

(2) The provisions of sub-section (1) shall be applicable also in any case in which an order for the payment of money has been made on non-recovery of which imprisonment may be awarded and the money is not paid forthwith; and, if the person against whom the order has been made, on being required to enter into a bond such as is referred to in that sub-section, fails to do so, the Court may at once pass sentence of imprisonment.

Who may issue warrant.

306. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence, or by his successor in office.

Sentence of whipping in addition to imprisonment.

307. When the accused is sentenced to whipping in addition to imprisonment or otherwise, the whipping shall not be inflicted until the expiry of limitation provided under the law for appeal against that sentence, or if an appeal is made within that time, until the sentence is confirmed by the appellate Court, but the whipping shall be inflicted at such place as the Court may direct as soon as practicable after the expiry of the period of limitation for appeal, or in case of an appeal, as soon as practicable after the receipt of the order of the appellate Court confirming the sentence.

Mode of inflicting punishment.

308. (1) In the case of a person of or over sixteen years of age, whipping shall be inflicted with a light rattan not less than half an inch in diameter, in such mode and on such part of the person, as the Durbar directs; and, in case of a person under sixteen years of age, it shall be inflicted in such mode, and on such part of the person, and with such instruments as the Durbar directs.

(2) In no case shall such punishment exceed thirty stripes and, in the case of a person under sixteen years of age, it shall not exceed fifteen stripes.

Not to be executed by instalments. Exemptions.

309. No sentence of whipping shall be executed by instalments; and none of the following persons shall be punishable with whipping, namely:—

(a) females;

(b) males sentenced to death or to imprisonment for more than five years;

(*c*) males whom the Court considers to be more than forty five years of age;

(*d*) Rajputs;

(*e*) Brahmans;

(*f*) Syeds;

(*g*) Soldiers and officers of the Jaipur Army whether in active service, reserve or pensioned.

Whipping not to be inflicted if offender not in fit state of health

310. (1) The punishment of whipping shall not be inflicted unless a medical officer, if present, certifies, or, if there is not a medical officer present, unless it appears to the Judge, Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Stay of execution.

(2) If, during the execution of a sentence of whipping a medical officer certifies, or it appears to the Judge, Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Procedure if punishment cannot be inflicted under section 310

311. (1) In any case in which, under section 310 a sentence of whipping is wholly or partially prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months or to a fine not exceeding five hundred rupees, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

(2) Nothing in this section shall be deemed to authorize any Court to inflict imprisonment for a term, or a fine of an amount, exceeding that to which the accused is liable by law, or that which the said Court is competent to inflict.

Execution of sentence on escaped convicts.

312. (1) When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained take effect immediately, and, if of imprisonment, shall take effect according to the following rules, that is to say—

(2) If the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

(3) When the new sentence is not severer in its kind than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

Explanation.—For the purposes of this and the following section—

(*a*) a sentence of imprisonment for life shall be deemed severer than a sentence of imprisonment;

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

Sentence on offender already sentenced for another offence.

313. When a person already undergoing a sentence of imprisonment is sentenced to imprisonment, such imprisonment shall commence at the expiration of the imprisonment, to which he has been previously sentenced unless the Court directs that the subsequent sentence shall run concurrently with such previous sentence.

Provided that if the sentence on such subsequent conviction is severer in its kind than what he is undergoing, the Court may in its discretion, direct that the latter sentence, unless of imprisonment for life, shall commence immediately or at the expiration of the imprisonment to which he has been previously sentenced.

Provided also that such subsequent sentence, if of imprisonment for life, shall commence immediately on confirmation.

Saving as to sections 312 and 313.

314. (1) Nothing in section 312 or section 313 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences, of imprisonment, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences.

[illegible] tories.

315. (1) When any person under the age of fifteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Durbar as a fit place for confinement in which there are means of suitable discipline and of training in some branch of useful industry or which is kept by a person willing to obey such rules as the Durbar prescribes with regard to the discipline and training of persons confined therein.

(2) All persons confined under this section shall be subject to the rules so prescribed.

Return of warrant on execution of sentence.

316. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

CHAPTER XXVIII.

OF SUSPENSIONS, REMISSIONS AND COMMUTATI(OF SENTENCES.

Power to suspend or remit sentences

317. (1) When any person has been sentenced to pun ment for an offence, the Durbar may at time without conditions or upon any co tions which the person sentenced acce suspend the execution of his sentence or remit the whol any part of the punishment to which he has been senten or may grant pardon.

(2) Whenever an application is made to the Durbar the suspension or remission of a sentence, the Durbar may quire the presiding Judge of the Court before or by which conviction was had or confirmed to state his opinion as whether the application should be granted or refused, toget with his reasons for such opinion and also to forward w the statement of such opinion a certified copy of the record the trial or of such record thereof as exists.

(3) If any condition on which a sentence has been s pended or remitted is, in the opinion of the Durbar not filled, the Durbar may cancel the suspension or remissi and thereupon the person in whose favour the sentence been suspended or remitted may, if at large, be arrested any police-officer without warrant and remanded to unde the unexpired portion of the sentence.

(4) The condition on which a sentence is suspended remitted under this section, may be one to be fulfilled by person in whose favour the sentence is suspended or remitt or one independent of his will.

(5) The provisions of the above sub-sections shall apply to any order passed by a Criminal Court under any tion of this Code or of any other law, which restricts liberty of any person or imposes any liability upon him or property.

(6) Nothing herein contained shall be deemed to interf with the right of the Ruler of the State to grant pardons, prieves, respites or remissions of punishment.

(7) Where a conditional pardon is granted by the Durbar, any condition thereby imposed, of whatever nature, shall be deemed to have been imposed by a sentence of a competent Court under this Code and shall be enforceable accordingly.

(8) The Durbar may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with.

Power to commute punishment.

318. (1) The Durbar may, without the consent of the person sentenced, commute any one of the following sentences for any other mentioned after it:—

death, rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

(2) Nothing in this section shall affect the provisions of section 47 or section 48 of the Jaipur Penal Code.

CHAPTER XXIX.

OF PREVIOUS ACQUITTALS OR CONVICTIONS.

Person once convicted or acquitted not to be tried for the same offence.

319. (1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 222, or for which he might have been convicted under section 223.

(2) A person acquitted or covicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 221 sub-section (1).

(3) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

(4) A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Explanation.—The dismissal of a complaint, the stopping of proceedings under section 235, or the discharge of the accused is not an acquittal for the purposes of this section.

Illustrations.

(*a*) A is tried upon a charge of theft as servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or upon the same fact with theft simply, or with criminal breach of trust.

(*b*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c*) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(*d*) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(*e*) A is charged by a Magistrate of the first class with, and convicted by him of voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within paragraph 3 of the section.

(*f*) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(g) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

PART VII.

OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXX.

OF APPEALS.

Unless otherwise provided, no appeal to lie.

320. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Appeal from order rejecting application for restoration of attached property.

321. Any person whose application under section 79 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeal from order under Section 115.

322. Any person, ordered under section 115 to give security for keeping the peace of for good behaviour, may appeal against such order to the Court of Session.

Appeal from order refusing to accept or rejecting a Surety.

323. Any person, aggrieved by an order refusing to accept, or rejecting, the surety under section 119 may appeal to the Court of Session.

Appeals from orders under Sections 132 & 138 or 129.

324. Any person against whom an order is made absolute under sections 132 and 138 or is passed under section 129 may appeal to the Court of Session.

Appeal from sentence of Magistrate of the second or third class.

325. (1) Any person convicted on a trial held by any Magistrate of the second or third class may appeal to the District Magistrate.

Transfer of appeals to first class Magistrate.

(2) The District Magistrate may direct that any appeal under this section, or any class of such appeals, shall be heard by any Magistrate of the first class subordinate to him and empowered by the Durbar to hear such appeals, and thereupon such appeals or class of appeals may be presented to such subordinate Magistrate, or, if already presented to the District Magistrate may be transferred to such subordinate Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred.

Appeal sentences of Assistant Sessions Judge or Magistrate of the first class.

326. Any person convicted on a trial held by an Assistant Sessions Judge, a District Magistrate or other Magistrate of the first class, or any person sentenced under section 270 or in respect of whom an order has been made or a sentence has been passed under section 297 by a Magistrate of the first class, may appeal to the Court of Session:

Provided as follows:—

or a Magistrate especially empow[ered] under S

(a). When in any case an Assistant Sessions Judge passes any sentence of imprisonment for a term exceeding four years the appeal of all or any of the accused convicted at such trial shall lie to the Chief Court.

(b) wher any person is convicted by a Magistrate of an offence under section 117 of the Jaipur Penal Code, the appeal shall lie to the Chief Court.

Appeal to Court of Session how heard.

327. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge;

Provided that an Additional Sessions Judge shall hear only such appeals as the Durbar may, by general or special, order, or as the Sessions Judge of the division may make over to him.

"An appeal by a person convicted d by a Sessions
"on a trial hold by a single ons Judge, may
"Judge of the Chief Court,
"under section "415 sub section
2, shall be heard by a bench,
"consisting of at least two

No appeal in certain cases when accused pleads guilty.

329. Notwithstanding anything hereinbefore contained, where an accused person has pleaded guilty and has been convicted by a Court of Sessions or Magistrate of the first class on such plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in petty cases.

330. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session passes a sentence of imprisonment not exceeding one month only or in which a Court of Session or District Magistrate or other Magistrate of the fiust class passes a sentence of fine not exceeding fifty rupees only.

Explanation.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has also been passed.

Illustration.

(*a*) A is sentenced to simple imprisonment of 3 weeks and to a fine of Rs. 10/- by a Court of Session.

(*b*). A District Magistrate or a Magistrate of the first class passes a sentence of fine below Rs. 50 and of simple imprisonment for a week.

The convict has a right of appeal in each of the two cases.

Proviso to section 330.

331. An appeal may be brought against any sentence referred to in section 330 by which any two or more of the punishments therein mentioned are combined.

Explanation.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

Special right of appeal in certain cases.

332. Notwithstanding anything contained in this Chapter, when more persons than one are convicted in one trial, and an appealable judgment or order has been passed in respect of any of such persons all or any of the persons convicted at such trial shall have a right of appeal.

333. (1). ~~The District Magistrate with the sanction of the~~ officer specially authorised in this behalf by the Durbar, may direct the public prosecutor to present an appeal to the Chief Court from an original or appellate order of acquittal passed by any Court other than the Chief Court.

Appeal on behelf of the Durbar in case of acquittal.

(2). The complainant or the prosecutor may also appeal:—

Cases when the complainant or the prosecutor may appeal agianst on order of acquittal.

(a). against an order of acquittal passed by a District Magistrate, a Magistrate of the first, second or third class to the Court of Session.

(b) against an order of acquittal passed by a Court of Session to the Chief Court.

Provided that the order of the Court of Session confirming such acquittal by a Magistrate of the second or third class shall be final and not liable to revision by the Chief Court at the instance of the appellant or his representative.

334. An appeal may lie on a matter of fact as well as a matter of law.

Appeal on what matters admissible.

Explanation—The alleged severity of a sentence shall, for the purpose of this section, be deemed to be a matter of law.

335. Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against.

Petition of appeal.

336. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Procedure when appellant in jail.

Notice of appeal

337. The Appellate Court shall cause notice to be given to the appellant or his pleader, and to such officer as the Durbar may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal;

and, in cases of appeals under section 333, the Appellate Court shall cause a like notice to be given to the accused.

Powers of Appellate Court in disposing of appeal.

338. The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and, in case of an appeal under section 333, the accused if he appears, the Court may, if it considers that there is no sufficient ground for interfering, dismiss the appeal, or may—

(a) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial as the case may be, or find him guilty and pass sentence on him according to law,

(b) in an appeal from a conviction, (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court or committed for trial, or (2) alter the finding, maintaining the sentence, or with or without altering the finding, reduce the sentence, or (3), with or without such reduction and with or without altering the finding, alter the nature of the sentence, subject to the provisions of section 104, sub-section (3), not so as to enhance the same;

(c) in an appeal from any other order, alter or reverse such order;

(d) make any amendment or any consequential or incidental order that may be just or proper.

339. The rules contained in the Chapter XXV as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court:

Judgment of subordinate Appellate Courts.

Provided that, unless the Appellate Court otherwise directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

340, (1) Whenever a case is decided on appeal by a Court under this Chapter, the Appellate Court shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the District Magistrate, the certificate shall be sent through the District Magistrate.

Order by Appellate Court on appeal to be certified to lower Court.

(2) The Court to which the judgment or order is certified shall thereupon make such orders as are conformable to the judgment or order of the Appellate Court, and, if necessary, the record shall be amended in accordance therewith.

341. (1) Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail or on his own bond.

Suspension of sentence pending appeal. Release of appellant on bail.

(2) The power conferred by this section on an Appellate Court may be exercised also by the Chief Court in the case of any appeal by a convicted person to a Court subordinate thereto.

(3) When the appellant is ultimately sentenced to imprisonment, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

342. When an appeal is presented under section 333, the Chief Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

Arrest of accused in appeal from acquittal.

343. (1) In dealing with any appeal under this Chapter, the Appellate Court, if it thinks additional evidence to be necessary, shall record its reasons, and may either take such evidence itself, or direct it to be taken by a Magistrate, or, when the appellate Court is the Chief Court, by a Court of Session or a Magistrate.

Appellate Court may take further evidence or direct it to be taken

(2) When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

(3) The accused or his pleader shall be present when the additional evidence is taken.

(4) The taking of evidence under this section shall be subjected to the provisions of Chapter XXIV, as if it were an inquiry

344 When the Judges composing the Court of Appeal are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such hearing (if any) as he thinks fit shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure where Judges of Court of Appeal are equally divided

345 Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 333 and Chapter XXXI.

Finality of order on appeal.

346. Every appeal under section 333 shall finally abate on the death of the accused, and every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant.

Abatement of appeals.

CHAPTER XXXI.

OF REFERENCE AND REVISION.

Power to call for records of inferior Courts.

347. (1) The Chief Court or any Sessions Judge or District Magistrate may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court and may, when calling for such record, direct that the execution of any sentence be suspended and, if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record.

Explanation.—All Magistrates, whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this sub-section and of section 348.

(2) If an application under this section has been made either to the Sessions Judge or District Magistrate, no further application shall be entertained by the other of them.

Power to order commitment.

348. When, on examining the record of any case under section 347 or otherwise, the Sessions Judge or District Magistrate considers that such case is triable exclusively by the Court of Session and that an accused person has been improperly discharged by the inferior Court, the Sessions Judge or District Magistrate may cause him to be arrested, and may thereupon, instead of directing a fresh inquiry order him to be committed for trial upon the matter of which he has been in the opinion of the Sessions Judge or District Magistrate improperly discharged:

Provided as follows:—

(a) that the accused has had an opportunity of showing cause to such Judge or Magistrate why the commitment should not be made;

(b) that, if such Judge or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Judge or Magistrate may direct the inferior Court to inquire into such offence.

Power to order inquiry.

349. On examining any record under section 317 or otherwise, the Chief Court or the Sessions Judge may direct the District Magistrate by himself or by any of the Magistrates subordinate to him to make, and the District Magistrate may himself make or direct any Subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 195 or sub-section (3) of section 196, or into the case of any person accused of an offence who has been discharged:

Provided that no Court shall make any direction under this section for inquiry into the case of any person who has been discharged unless such person has had an opportunity of shewing cause why such direction should not be made.

Report [illegible]

350. (1) The Sessions Judge or District Magistrate may, if he thinks fit, on examining under section 317 or otherwise the record of any proceeding report for the orders of the Chief Court the result of such examination, and, when such report contains a recommendation that a sentence be reversed or altered, may order that the execution of such sentence be suspended, and, if the accused is in confinement, that he be released on bail or on his own bond.

(2) An Additional Sessions Judge shall have and may exercise all the powers of a Sessions Judge under this Chapter in respect of any case which may be transferred to him by or under any general or special order of the Sessions Judge.

Chief Court's powers of revision

351. (1) In the case of any proceeding the record of which has been called for by itself or which has been reported for orders, or which otherwise comes to its knowledge, the Chief Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by section 338, 341, 342 and 343 or on a Court by section 258, and may enhance the sentence; and when the Judges composing the Court of Revision are equally divided in opinion, the case shall be disposed of in manner provided by section 344.

(2) No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

(3) Where the sentence dealt with under this section has been passed by a Magistrate, the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court the accused has committed, than might have been inflicted for such offence by a Magistrate of the first class.

(4) Nothing in this section shall be deemed to authorize the Chief Court to convert a finding of acquittal into one of conviction.

(5) Where under this Code an appeal lies and no appeal is brought, no proceedings by way of revision shall be entertained at the instance of the party who could have appealed.

(6) Notwithstanding anything contained in this section, any convicted person to whom an apportunity has been given under sub-section (2) of showing cause why his sentence should not be enhanced shall, in showing cause, be entitled also to show cause against his conviction.

Chief-Court's order to be certified to lower Court or Magistrate

352. When a case is revised under this Chapter by the Chief Court, it shall, in manner hereinbefore provided by section 340, certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified; and, if necessary, the record shall be amended in accordance therewith.

PART VIII.

SPECIAL PROCEEDINGS.

CHAPTER XXXII.

LUNATICS.

Procedure in case of an accused being lunatic.

353. (1) When a Court holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, it shall, except as provided under section 354, inquire into the fact of such unsoundness, and shall cause such person to be examined by the nearest Civil Surgeon or such other medical officer as the Durbar directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

(2) Pending such examination and inquiry, the Court may deal with the accused in accordance with the provisions of section 355.

(3) If such Court is of opinion that the accused is of unsound mind and consequently incapable of making his defence, it shall record a finding to that effect and shall postpone further proceedings in the case.

(4) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of the trial before the Court.

2nd or 3rd class Magistrate to report to the District Magistrate who shall try the fact of the mental capacity of the accused

354. When a Magistrate of the second or third class holding an inquiry or trial has reason to entertain such belief as referred to in sub-section (1) Section 353, he shall report the case to the District Magistrate who shall either himself try the fact of the unsoundness of mind and incapacity of the accused or transfer the case to a Magistrate of the first class, subordinate to him, for such trial.

Release of lunatic pending investigation or trial.

355. (1) Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Court whether the case is one in which bail may be taken or not may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the court or such officer as it appoints in this behalf.

Custody of lunatic.

(2) If the case is one in which, in the opinion of the Court, bail should not be taken, or if sufficient security is not given, it shall order the accused to be detained in safe custody in such place and manner as it may think fit, and shall report the action taken to the Durbar.

Resumption of inquiry or trial.

356. (1) Whenever an inquiry or a trial is postponed under section 353, the Court may at any time resume the inquiry or trial, and require the accused to appear or be brought before it.

(2) When the accused has been released under section 355, and the sureties for his appearance produce him to the officer whom the Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

357. (1) If, when the accused appears or is again brought before the Court, it considers him capable of making his defence, the inquiry or trial shall proceed.

Procedure on accused appearing before Court

(2) If the Court considers the accused to be still incapable of making his defence, it shall again act according to the provisions of section 353, and if the accused is found to be of unsound mind and incapable of making his defence, shall deal with such accused in accordance with the provisions of section 355.

358. When the accused appears to be of sound mind at the time of inquiry or trial, and the Court is satisfied from the evidence given before it that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was, at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Court shall proceed with the case, and, if the accused ought to be committed to the Chief Court, send him for trial before such Court.

When accused appears to have been insane.

359. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the mature of the act
offence, or that it was wrong or con
shall state specifically whether he c

Judgment of acquittal on ground of lunacy.

360. (1) Whenever the finding states that the accused person committed the act alleged, the Court before which the trial has been held, shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be detained in safe custody in such place and manner as it thinks fit, and shall report the action taken to the Durbar.

Person acquitted on such ground to be detained in safe custody.

Provided that no order for the detention of the accused in lunatic asylum shall be made otherwise than in accordance with such rules as the Durbar may have made.

Power of Durbar to relieve Inspector-General of certain function.

(2) The Durbar may empower the officer in charge of the jail in which a person is confined under the provisions of section 355 or this section to discharge all or any of the functions of the Superintendent of Jails under section 361, section 362 or section 363.

Lunatic prisoners to be visited by Superintendent of Jails and nearest Civil Surgeon.

361 When any person is detained under the provisions of sections 355 and 360 the Superintendent of Jails and the nearest Civil Surgeon shall visit him at least once in every three months in order to ascertain his state of mind and shall make a special report to the Durbar as to the state of mind of such person.

Procedure where lunatic prisoner is reported capable of making his defence.

362. If such person is detained under the provisions of section 355, and in the case of a person detained in a jail, the Superintendent and Civil Surgeon, or any one of them, shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Court at such time as it appoints, and the Court shall deal with such person under the provisions of section 468; and the certificate of such Superintendent of Jail or Civil Surgeon as aforesaid shall be receivable as evidence.

Procedure when lunatic detained under section 355 or section 360 is declared.

363 (1) If such person is detained under the provisions of section 355 or section 360, such Suprintendent and Civil Surgeon shall certify that, in their judgment, he may be released without danger of his doing injury to himself or to any other person, the Durbar may thereupon order him to be released, or to be detained in custody, or to be transferred to a public lunatic asylum; and, in case it orders him to be transferred to any asylum, may appoint a Commission, consisting of a judicial and two medical officers.

(2) Such Commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Durbar, which may order his release or detention as it thinksfit.

Delivery of lunatic to care of relative or friend.

364. (1) Whenever any relative or friend of any person detained under the provisions of section 355 or section 560 desires that he shall be delivered to his care and custody, the Durbar may, upon the application of such relative or friend and on his giving security to the satisfaction of such Durbar that the person delivered shall—

(a) be properly taken care of and prevented from doing injury to himself or to any other person, and

(b) be produced for the inspection of such officer, and at such times and places as the Durbar may direct, and

(c) in the case of a person detained under section 355 be produced when required before such Court,

order such person to be delivered to such relative or friend.

(2) If the person so delivered is accused of any offence the trial of which has been postponed by reason of his being of unsound mind and incapable of making his defence, and the inspecting officer referred to in sub-section (1), class (b) certifies at any time to the Court that such person is capable of making his defence, such Court shall call upon the relative or friend to whom such accused was delivered to produce him before the Court; and, upon such production, the Court shall proceed in accordance with the provisions of section 357, and the certificate of the inspecting officer shall be receivable as evidence.

CHAPTER XXXIII.

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

Procedure in cases mentioned in section 184.

365 (1) When any Civil, Revenue or Criminal Court is, whether on application made to it in this behalf or otherwise, of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in section 184, sub-section (1) clause (b) or clause (c), which appears to have been committed in or in relation to a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary, record a finding to that effect.

372 (1) If the Court in any case considers that a person accused of any of the offences referred to in section 370 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 370, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or if sufficient security is not given, shall forward such person in custody to such Magistrate.

Procedure where Court considers that case should not be dealt with under section 370.

(2) The Magistrate, to whom any case is forwarded under this section, shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

373. When the Durbar so directs, any Registrar or any Sub-Registrar appointed under the Jaipur Registration Act, shall be deemed to be a Civil Court within the meaning of sections 370 and 372.

When Registrar or Sub-Registrar to be deemed a Civil Court within sections 370 and 372

374. When any Court has under section 370 or section 372 adjudged an offender to punishment or forwarded him to a Magistrate for trial for refusing or omitting to do anything which he was lawfully required to do, or any intentional insult or interruption, the Court may, in its discretion, discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Discharge of offender on submission or apology

375. (1) If any witness or person called to produce a document or thing before a Criminal Court, other than a Magistrate of the second or third class, refuses to answer such questions as are put to him or to produce any document or thing in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an officer of the Court for any term not

Imprisonment or committal of person refusing to answer or produce document.

exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document or thing. In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 370 or section 372.

(2) A Magistrate of the second or third class shall instead of passing any orders under this section, submit the case, with his opinion and the grounds therefor, to the District Magistrate for orders and such Magistrate may, after considering the objection of such witness or person, exercise any of the powers conferred under sub-section (1).

Appeals from convictions in contempt cases

376. (1) Any person sentenced by any Court under section 370 or section 375 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

(2) The provisions of Chapter XXX shall, so far as they are applicable, apply to appeals under this section, and the Appellate Court may alter or reverse the finding, or reduce or reverse the sentence appealed against.

(3) An appeal from such conviction by a Court of Small Causes shall lie to the Court of Session for the sessions division within which such Court is situate.

(4) An appeal from such conviction by any officer as Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a decree by such officer in his capacity as such Judge, and in other cases may be made to the District Judge.

Certain Judges and Magistrates not to try offences referred to in section 184 when committed before themselves

377. (1) Except as provided in sections 370 and 375, no Judge of a Criminal Court or Magistrate, other than a Judge of the Chief Court, shall try any person for any offence referred to in section 184, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life.

Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail.

(2) If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

(3) An officer or a Court releasing any person on bail under sub-section (1) or sub-section (2) shall record in writing his or its reasons for so doing.

(4) If, at any time after the conclusion of the trial of a person accused of a non-bailable offence and before judgment is delivered, the Court is of opinion that there are reasonable grounds for believing that the accused, is not guilty of any such offence, it shall release the accused, if he is in custody, on the execution by him of a bond without sureties for his appearance to hear judgment delivered.

(5) The Chief Court or Court of Session and, in the case of a person released by itself, any other Court may cause any person who has been released under this section to be arrested and may commit him to custody.

Power to direct admission to bail or reduction of bail.

384. The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the Chief Court or Court of Session may, in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a police-officer or Magistrate be reduced.

Bond of accused and sureties.

385. (1) Before any person is released on bail or released on his own bond, a bond for such sum of money as the police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the police-officer or Court, as the case may be.

(2) If the case so require, the bond shall also bind the person released on bail to appear when called upon at the Chief Court, Court of Session or other Court to answer the charge.

Discharge from custody.

386. (1) As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and, when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

(2) Nothing in this section, section 382 or section 383 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

Power to order sufficient bail when that first taken is insufficient.

387. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and, on his failing so to do, may commit him to jail.

Discharge of sureties.

388. (1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a District Magistrate or Magistrate of the first class to discharge the bond, either wholly or so far as relates to the applicants.

(2) On such application being made, such Magistrate shall issue his warrant of arrest directing that the person so released be brought before him.

(3) On the appearance of such person pursuant to the warrant or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XXXVI

Of Commission for the Examination of Witnesses.

When attendance of witness may be dispensed with

389. (1) Whenever, in the course of an inquiry, a trial or any other [illegible] it appears to a [illegible] f Session or the [illegible] tion of a witness is necessary for ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the limits of whose jurisdiction such witness resides, to take the evidence of such witness.

Issue of commission and procedure thereunder.

(2) When the witness resides in British India the commission shall, subject to the provisions of section 62, be issued through the Birtish Resident at Jaipur.

(3) The Magistrate or officer to whom the commission is issued under sub-sec (1) or, if he is the District Magistrate he, or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witenss before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

Examination as witness of a woman not appearing in public or a Tazimi Sardar.

390. (1) No woman, who according to the custom and manners of the country does not appear in public, nor any Tazimi Sardar of Jaipur shall be summoned to attend as a witness in Court but shall be examined as the witness' own residence.

(2) The Judge or Magistrate, holding the inquiry, trial or proceeding, may either himself examine such witness or depute a subordinate Magistrate or some pleader for the purpose.

(3) If the witness resides beyond the local limits of the jurisdiction of the Court holding the inquiry, trial or proceeding, it may issue a commission either to a Pleader or to the District Magistrate within whose jurisdiction the witness resides, to take the evidence of such witness, and the Pleader, District Magistrate or a Magistrate of the first class, when deputed by such District Magistrate, shall proceed to the place where the witness is and shall take down the evidence of the witness in the same manner as in trials of warrant cases under this Code.

Parties may examine witnesses.

301. (1) The parties to any proceeding under this Code in which a commission is issued, may respectively forw [illegible] which the [illegible] commission may think relev [illegible] trate, officer or pleader to v [illegible] or to whom the duty of executing such commission has been delegated shall examine the witness upon such interrogatories.

(2) Any such party may appear, before such Magistrate, officer or pleader, by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Power of Subordinate Magistrate to apply for issue of commission.

302. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witnesses cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

Return of commission.

393. (1) After any commission issued under section 389 or section 392 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

(2) Any deposition so taken, if it satisfies the conditions prescribed by section 32, of the Jaipur Evidence Act, may also be received in evidence at any subsequent stage of the case before another Court.

Adjournment of inquiry or trial.

394. In every case in which a commission is issued under section 389 or section 392, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XXXVII.

SPECIAL RULES OF EVIDENCE.

Deposition of medical witness.

395. (1) The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, or taken on commission under Chapter XXXVI, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to summon medical witness.

(2) The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Report of Chemical Examiner.

396. Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

397. In any inquiry, trial or other proceeding under this Code, a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force—

Previous conviction or acquittal how proved.

(a) by an extract certified under the hand of the officer having the custody of the records of the Court in which such convictior or acquittal was had to be a copy of the sentence or order, or,

(b) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered ;

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

398. (1) If it is proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into, or trial for, the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

Record of evidence in absence of accused.

(2) If it appears that an offence punishable with death or imprisonment for life, has been committed by some person or persons unknown, the Chief Court may direct that any Magistrate of the first class shall hold an inquiry and examine any witnesses who can give evidence concerning the offence. Any depositions so taken may be given in evidence against any person who is subsequently accused of the offence, if the deponent is dead or incapable of giving evidence or beyond tl limits of Jaipur territory.

Record of evidence when offender unknown.

CHAPTER XXXVIII.

PROVISIONS AS TO BONDS.

Deposit instead of recognizance.

399. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix, in lieu of executing such bond.

Procedure on forfeiture of bond.

400 (1) Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Magistrate of the first class,

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid

(2) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the ~~moveable~~ property belonging to such person or his estate if he be dead.

(3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the attachment and sale of any ~~moveable~~ property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

(4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(5) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond.

(7) When any person who has furnished security under section 104 or section 115 or section 449 is convicted of an offence the commission of which constitutes a breach of the conditions of his bond, or of a bond executed in lieu of his bond under section 402, a certified copy of the judgment of the Court by which he was convicted of such offence may be used as evidence in proceedings under this section against his surety or sureties, and, if such certified copy is so used, the Court shall presume that such offence was committed by him unless the contrary is proved.

Procedure in case of insolvency or death of surety or when a bond is forfeited

401. When any surety to a bond under this Code becomes insolvent or dies, or when bond is forfeited under the provisions of section 400, the Court by whose order such bond was taken, or a Magistrate of the first class, may order the person from whom such security was demanded to furnish fresh security in accordance with the directions of the original order, and, if such security is not furnished, such Court or Magistrate may proceed as if there had been a default in complying with such original order.

Bond required from a minor.

402. When the person required by any Court or officer to execute a bond is a minor, such Court or officer may accept, in lieu thereof, a bond executed by a surety or sureties only.

Appeals from, and revision of, orders under section 400

403. (1) All orders under section 400 shall be appealable.

(a) to the District Magistrate, if passed by a Magistrate of the second or third class, and

(b) to the Court of Session, if passed by any other Magistrate.

(2) If not so appealed, such orders may be revised by th authority to which appeals lie agai[illegible] them.

Power to direct levy of amount due on certain recognizances

404. The Chief Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such Chief Court or Court of Session.

CHAPTER XXXIX

OF THE DISPOSAL OF PROPERTY.

Order for custody and disposal of property pending trial in certain cases

405. When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Order for disposal of property regarding which offence committed

406. (1) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal by destruction, confiscation, or delivery to any person claiming to be entitled to possession thereof or otherwise of any property or document produced before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

(2) When the Chief Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

(3) Where an order is made under this section such order shall not, except where the property is livestock or subject to speedy and natural decay, and save as provided by sub-section (4), be carried out for one month, or, when an appeal is presented, until such appeal has been disposed of.

(4) Nothing in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (1) to any person claiming to be entitled to the

possession thereof, on his executing a bond with or without sureties to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal.

Explanation.—In this section the term 'property" includes in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Order may take form of reference to District or Sub-divisional Magistrate.

407. In lieu of itself passing an order under section 406, the Court may direct the property to be delivered to the District Magistrate who shall in such cases deal with it as if it had been seized by the police and seizure had been reported to him in the manner hereinafter mentioned.

Payment to innocent purchaser of money found on accused.

408. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Stay of order under sections 406 407, or 408

409. Any Court of appeal, confirmation, reference or revision may direct any order under section 406, section 407 or section 408, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court, and may modify, alter or annul such order and make any further orders that may be just.

Destruction of libellous and other matter.

410. (1) On a conviction under the Jaipur Penal Code, section 272, section 273, 491, or section 492, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the

Court or remain in the possession or power of the person convicted.

(2) The Court may, *in like manner on a coviction under* the Jaipur Penal Code, section 253, section 254, section 255, *or section 256, order the food, drink, drug or medical* preparation in respect of which the conviction was had to be destroyed.

411. (1) Whenever a person is convicted of an offence attended by criminal force or show of force or by criminal intimidation and it appears to the Court that by such force or show of force or criminal intimidation any person has been dispossessed of any immoveable property, the Court may, if it thinks fit, when convicting such person or at any time within one month from the date of the conviction order the person dispossessed to be restored to the possession of the same.

Power to restore possession of immoveable property.

(2) No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

(3) An order under this section may be made by any Court of appeal, confirmation, reference or revision.

412. (1) The seizure by any police-officer of property taken under section 10, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a District Magistrate who shall make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person *entitled to the* possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such *property.*

Procedure by police upon seizure of property taken under section 40 or stolen.

(2) If the person so entitled is known, the District Magistrate may order the property to be delivered to him on such conditions (if any) as the District Magistrate thinks fit. If such person is unknown, the District Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where owner of property seized unknown.

Procedure where no claimant appears within six months.

413. (1) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shall be at the disposal of the State and may be sold under the orders of the District Magistrate or of a Magistrate of the first class empowered by the Durbar in this behalf.

(2) In the case of every order passed under this section an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

Power to sell perishable property.

414. If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, or that the value of such property is less then ten rupess the Magistrate may at any time direct it to be sold; and the provisions of section 412 and 413 shall, as nearly as may be practicable, apply to the nett proceeds of such sale.

CHAPTER XL.

OF THE TRANSFER OF CRIMINAL CASES.

Chief Court may transfer case or itself try it.

415. (1) Whenever it is made to appear to the Chief Court:—

(a) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(b) that some question of law of unusual difficulty is likely to arise, or

(c) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(d) that an order under this section will tend to the general convenience of the parties or witnesses, or

(e) that such an order is expedient for the ends of justice, or is required by any provision of this Code; it may order—

(i) that any offence be inquired into or tried by any Court not empowered under section 170 to 176 (both inclusive), but in other respects competent to inquire into or try such offence;

(ii) that any particular case or appeal, or class of cases or appeals, be transferred from a Court subordinate to its authority to any other such Court of equal or superior jurisdiction;

(iii) that any particular case or appeal be transferred to and tried before itself; or

(iv) that an accused person be committed for trial to itself or to a Court or Session.

(2) When the Chief Court withdraws for trial before itself any case from any Court it shall observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn, and the case shall be tried by a Single Judge.

(3) The Chief Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative.

(4) Every application for the exercise of the power conferred by this section shall be made by motion, which shall be supported by affidavit or affirmation.

(5) When an accused person makes an application under this section, the Chief Court may direct him to execute a bond, with or without sureties, conditioned that he will, if so ordered, pay, any amount which the Chief Court has power under this section to award by way of costs to the person opposing the application.

Notice to Public Prosecutor of application under this section.

(6) Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours

have elapsed between the giving of such notice and the hearing of the application.

(7) Where any application for the exercise of the power conferred by this section is dismissed, the Chief Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of costs to any person who has opposed the application any expenses reasonably incurred by such person in consequence of the application.

(8) Nothing in this section shall be deemed to affect any order made under section 188.

Adjournment on application under this section

(9) If, in the course of any inquiry or trial, or before the commencement of the hearing of any appeal, the Public Prosecutor, the complainant or the accused notifies to the Court before which the case or appeal is pending his intention to make an application under this section in respect of such case or appeal, the Court shall adjourn the case or postpone the appeal for such a period as will afford a reasonable time for the application to be made and an order to be obtained thereon.

(10) Notwithstanding any thing hereinbefore contained, a Judge presiding in a Court or Session shall not be required to adjourn a trial under sub-section (9) if he is of opinion that the person notifying his intention of making an application under this section has had a reasonable opportunity of making such an application and has failed without sufficient cause to take advantage of it.

Session Judge may withdraw case from Assistant Sessions Judge.

416. (1) Any Session Judge may withdraw any case from, or recall any case which he has made over to any Assistant Sessions Judge subordinate to him.

District Magistrate may withdraw or refer cases.

(2) Any District Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

Power to authorize District Magistrate to withdraw classes of cases.

(3) The Durbar may authorize the District Magistrate to withdraw from any Magistrate subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

(4) Any Magistrate may recall any case made over by him under section 182, sub-section (2), to any other Magistrate and may inquire into or try such case himself.

(5) A Magistrate making an order under this section shall record in writing, his reasons for making the same.

CHAPTER XLI.

OF IRREGULAR PROCEEDINGS.

Irregularities which do not vitiate proceedings.

417. If any Magistrate not empowered by law to do any of the following things, namely:—

(a) to issue search-warrant under section 89;

(b) to order, under section 149, the police to investigate an offence;

(c) to hold an inquest under section 169;

(d) to issue process under section 178, for the apprehension of a person within the Local limits of his jurisdiction who has committed an offence outside such limits;

(e) to take cognizance of an offence under section 180, sub-section (1) clause (a) or clause (b);

(f) to transfer a case under section 182;

(g) to tender a pardon under section 257 or section 258;

(h) to sell property under section 413 or section 414; or

(i) to withdraw a case and try it himself under section 416;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

Irregularities which vitiate proceedings.

418. If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely:—

(a) attaches and sells property under section 78;

(b) issues a search-warrant for a letter, parcel or other thing in the State Post Office;

(c) demands security to keep the peace;

(d) demands security for good behaviour;

(e) discharges a person lawfully bound to be of good behaviour;

(f) cancels a bond to keep the peace;

(g) makes an order under section 129 as to a local nuisance;

(h) prohibits, under section 137, the repetition or continuance of a public nuisance;

(i) issues an order under section 138;

(j) makes an order under Chapter XII;

(k) takes cognizance, under section 180, sub-section (1), clause (c), of an offence;

(l) passes a sentence, under section 270, on proceedings recorded by another Magistrate;

(m) calls, under section 347, for proceedings;

(n) revises, under section 403, an order passed under section 400;

) tries an offender or;

(p) decides an appeal;

his proceedings shall be void.

Proceedings in wrong place.

419. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other poceeding in the course of which it was arrived at or passed, took place in a wrong sessions division, Nizamat or other local area, unless it appears that such error has in fact occasioned a failure of justice.

When irregular commitments may be validated.

420. (1) If any Magistrate or other authority purporting to exercise powers duly conferred, which were not so conferred, commits an accused person for trial before a Court of Session, such Court may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been injured thereby, unless during the inquiry and before the order of commitment, objection was made on behalf either of the prosecution to the jurisdiction of such Magistrate of other authority

(2) If such Court considers that the accused was injured, or if such objection was so made, it shall quash the commitment and direct a fresh inquiry by a competent Magistrate.

Non compliance with provisions of section 157 or 282

421, (1) If any Court, before which a confession or other statement of an accused person recorded or purporting to be recorded under section 157 or section 282 is tendered or has been received in evidence, finds that any of the provisions of either of such sections have not been complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and notwithstanding anything contained in the Jaipur Evidence Act, section 89, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

(2) The provisions of this section apply to Courts of Appeal, Reference and Revision.

Effect of omission to prepare charge

422. (1) No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has in fact been occasioned thereby.

(2) If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

423. Subject to the provisions hereinbefore contained no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVI or on appeal or revision on account of any error, omission or irregularity in the complaint, summons, warrant, charge, proclamation, order, judgment or other proceedings before or during trial or in any inquiry or other proceeding under this Code.

Explanation.—In determining whether any error, omission or irregularity in any proceeding under this Code has occasioned a failure of justice, the court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.

Attachment not illegal, person making same not trespasser for defect or want of form in proceedings

424. No attachment made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of attachment or other proceedings relating thereto.

CHAPTER XLII

MISCELLANEOUS.

Courts and persons before whom affidavits may be sworn

425. Affidavits and affirmations to be used before any Chief Court or any officer of such Court may be sworn and affirmed before such Court.

Affidavit in proof of conduct of public servant.

426 (1) When any application is made to any Court in the course of any inquiry, trial or other proceeding under this Code, and allegations are made therein respecting any public servant, the applicant may give evidence of the application by affidavit, and the Court may, if it thinks fit, order that evidence relating to such facts be so given.

An affidavit to be used before any Court other than the Chief Court under this section may be sworn or affirmed in the manner prescribed in section 425, or before any Magistrate.

Affidavits under this section shall be confined to, and shall state separately, such facts as the deponent is able to prove from his own knowledge and such facts as he has reasonable grounds to believe to be true, and, in the latter case, the deponent shall clearly state the grounds of such belief.

(2) The Court may order any scandalous and irrelevant matter in an affidavit to be struck out or amended.

Local inspection.

427. (1) Any Judge or Magistrate may, at any stage of any inquiry, trial or other proceeding, after due notice to the parties, visit and inspect any place in which an offence is alleged to have been committed, or any other place which it is in his opinion necessary to view for the purpose of properly appreciating the evidence given at such inquiry or trial, and shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection

(2) Such memorandum shall form part of the record of the case If the Public Prosecutor, commplainant or accused so desires, a copy of the memoranmdu shall be furnished to him free of cost.

Power to summon material witness or examine person present

428. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Provision for inquiries and trial being held in the absence of accused in certain cases.

429. (1) At any stage of an inquiry or trial under this Code, where two or more accused are before the Court, if the Judge or Magistrate is satisfied, for reasons to be recorded, that any one or more of such accused is or are incapable of remaning before the Court, he may if such accused is represented by a pleader, dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.

(2) If the accused in any such case is not represented by a pleader, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit, and for reasons to be recorded by him, either adjourn such inquiry or trial, or order that the case of such accused be taken up or tried separately.

Power to appoint place of imprisonment.

430. (I) Unless when otherwise provided by any law for the time being in force, the Durbar may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined

Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.

(2) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

When a person is removed to a criminal jail under sub-section (1), he shall, on being released therefrom, be sent back to the civil jail, unless either—

(*a*) three years have elapsed since he was removed to the Criminal jail, in which case he shall be deemed to have been discharged from the civil jail under the Code of Civil Procedure, Jaipur; or

(*b*) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under the Code of Civil Procedure Jaipur.

Interpreter to be bound to interpret truthfully.

431. When the services of an interpretor are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Expenses of complainants and witnesses.

432. Subject to any rules made by the Durbar; any Criminal Court may, if it thinks fit, order payment, on the part of State, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

545. (1) Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms [illegible] appeal, revision or otherwise a sentence [illegible] fine, or a sentence of which fine forms a part, the Court may, when passing judgment [illegible] the fine recovered to be applied—

[illegible] expenses properly incurred in the [illegible]

[illegible] person of compensation for [illegible] by the offence, when [illegible] in the opinion of [illegible] by such person in a Civil [illegible]

[illegible] of any offence which [illegible] misappropriation, criminal [illegible] cheating, or of having [illegible] retained, or of having [illegible] in the same of, stolen property [illegible] having reason to believe the [illegible] compensating any bona [illegible] such property for the loss of [illegible] property is restored to the possession [illegible] entitled thereto.

[illegible] case which is subject to appeal [illegible] be made before the period [illegible] has elapsed, or, if an appeal be presented [illegible] of the appeal.

546. At the time of awarding compensation in any subsequent civil suit relating to the same matter the Court shall take into account any sum paid or recovered as compensation under section 545.

Payment to be taken into account in subsequent suit.

547. (1) Whenever any complaint of a non-cognizable offence is made to a Court, the Court, if it convicts the accused, may, in addition to the penalty imposed upon him, order him to pay to the complainant—

Order to pay costs in non-cognizable cases.

(a) the fee (if any) paid on the petition of complaint, or for the examination of the complainant, and

(b) any fees paid by the complainant for serving processes on his witnesses or on the accused,

and may further order that, in default of payment, the accused shall suffer simple imprisonment for a period not exceeding thirty days.

(2) An order under this section may also be made by an Appellate Court, or by the Chief Court, when exercising its powers of revision.

Moneys ordered to be paid recoverable as fines.

436. Any money (other than a fine) payable by virtue of any order made under this Code, and the method of recovery of which is not otherwise expressly provided for shall be recoverable as if it were a fine.

Copies of proceedings

437. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of any order or deposition or other part of the record he shall, on applying for such copy be furnished therewith:

Provided that he pays for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

Delivery to military authorities of persons liable to be tried by Court martial

438. (1) The Durbar may make rules consistent with this Code and the Jaipur Army Regulation if any, for the time being in force as to the cases in which persons governed by the said Regulation shall be tried by a Court to which this Code applies or by Court-Martial, and when any person is brought before a Court to which this Code applies, and charged with an offence for which he is liable under the said Army Regulation to be tried by a Court-Martial, the Court shall have regard to such rules and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the officer authorised to constitute the Court-Martial, for the purpose of being tried by such Court-Martial.

Apprehension of such persons

(2) Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any accused of such offence.

Powers to Police to seize property suspected to be stolen.

439. Any police-officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence Such police-officer, if subordinate to the officer in charge of a police-station, shall forthwith report the seizure to that officer.

Powers of superior officers of police.

440. Police-officers superior in rank to an officer in charge of a police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

Power to compel restoration of abducted females

441. Upon complaint made to a District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

Power of Chief Court to make rules for inspection of records of subordinate Court and other purposes.

442, (1) With the previous sanction of the Durbar, the Chief Court may, from time to time,

(*a*) make rules for the inspection of the records of that Court and subordinate Courts;

(*b*) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(*c*) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;

(*d*) make rules for regulating its own practice and proceedings, and the practice and proceeding of all Criminal Courts subordinate to it; and

(e) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

(2) All rules made under this section shall be published in the official Gazette.

Forms

443. Subject to the power conferred by section 442, the forms set forth in the fourth schedule, with such variation as the circumstances of each case require, may be used for the respective purposes therein mentioned, and if used shall be sufficient.

Case in which Judge or Magistrate is personally interested.

444. No Judge or Magistrate shall, except with the permission of the Chief Court inquire into, try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Explanation —A Judge or Magistrate shall not be deemed a party, or personally interested, within the meaning of this section, to or in any case by reason only that he is concerned therein in a public capacity, or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

ILLUSTRATION.

A, as Collector, upon consideration of information furnished to him, directs the prosecution of B for a breach of the Excise Laws. A is disqualified from trying this case as a Magistrate.

Court language.

445. The Durbar may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within Jaipur territory.

Provision for powers of Judges and Magistrates being exercised by their successors in office

446. (1) Subject to the other provisions of this Code, the powers and duties of a Judge or Magistrate may be exercised or performed by his successor in office.

(2) When there is any doubt as to who is the successor in office of any Magistrate, the District Magistrate shall determine by order in writing the Magistrate who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Magistrate.

(3) When there is any doubt as to who is the successor in office of any Additional or Assistant Sessions Judge, the Sessions Judge shall determine by order in writing the Judge who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Additional or Assistant Sessions Judge.

Officers concerned in sales not to purchase or bid for property

447. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.

Saving of inherent power of Chief Court.

448. Nothing in this Code shall be deemed to limit or affect the inherent power of the Chief Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

First Offenders.

Power of Court to release certain convicted offenders on probation of good conduct instead of sentencing to punishment

449 (1) When any person not under twenty-one years of age is convicted of an offence punishable with imprisonment for not more than seven years, or when any person under twenty-one years of age or any woman is convicted of an offence not punishable with death or imprisonment for life, and no previous conviction is proved against the offender, if it appears to the Court before which he is convicted regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he

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be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct, and in the meantime to keep the peace and be of good behaviour:

Provieed that, where any first offender is convicted by a Magistrate of the third class, or a Magistrate of the second class, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceedings to a Magistrate of the first class, forwarding the accused to, or taking bail for his appearance before such Magistrate, who shall dispose of the case in manner provided by section 297.

Conviction and release with admonition.

(2) In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Jaipur Penal Code punishable with not more than two years' imprisonment and no previous conviction is proved against him, the Court before whom he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed instead of sentencing him to any punishment, release him after due admonition.

(3) An order under this section may be made by any Appellate Court or by the Chief Court when exercising its power of revision.

(4) When an order has been made under this section in respect of any offender, the Chief Court may, on appeal when there is a right of appeal to such Court, or when exercising its powers of revision, set aside such order, and in lieu thereof pass sentence on such offender according to law:

Provided that the Chief Court shall not under this subsection inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

(5) The provisions of sections 119, 123 and 323 shall, so far as may be, apply in the case of sureties offered in pursuance of the provisic

Provision in case of offender failing to observe conditions of his recognizances.

450. (1) If the Court which convicted the offender, or a Court which could have dealt with the offender in respect of his original offence, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

(2) An offender, when apprehended on any such warrant, shall be brought forthwith before the Court issuing the warrant, and such Court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing for sentence. Such Court may, after hearing the case, pass sentence.

Conditions as to abode of offender.

451. The Court before directing the release of the offender under section 449 shall be, satisfied that the offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

Previously convicted Offenders.

Order for notifying address of previously convicted offender.

452. (1) When any person, having been convicted by a Court in Jaipur territory of an offence punishable under sections 204, 476, 478 or 479 of the Jaipur Penal Code or of any offence punishable under Chapter XII or XVII of that Code with imprisonment of either description for a term of three years or upwards, is again convicted of any offence punishable under any of those sections or Chapters with imprisonment for a term of three years or upwards by the Chief Court, Court of session, District Magistrate or Magistrate of the first class, such Court of Magistrate may, if it or he thinks fit, at the time of passing sentence of imprisonment on such person, also order that his residence and any change of or absence from such residence after release be notified as hereinafter provided for a term not exceeding five years from the date of the expiration of such sentence.

(2) If such conviction is set aside on appeal or otherwise, such order shall become void.

(3) The Durbar may make rules to carry out the provisions of this section relating to the notification of residence or change of or absence from residence by released convicts.

(4) An order under this section may also be made by an Appellate Court or by the Chief Court when exercising its powers of revision.

(5) Any person against whom an order has been made under this section and who refuses or neglects to comply with any rule so made shall be deemed within the meaning of section 165 of the Jaipur Penal Code to have omitted to give a notice required for the purpose of prevening the commission of an offence.

(6) Any person charged with a breach of any such rule may be tried by a Magistrate of competent jurisdiction in the Nizamat in which the place last notified by him as his place of residence is situated.

Trial of a Tazimi Sardar.

453. When a Tazimi Sardar is accused or any offence, his trial shall not commence until the special orders of the Durbar have previously been obtained.

SCHEDULE I.

SCHEDULE I.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment" under the Jaipur Penal Code, are not intended as definitions of the offences and punishments described in the several corresponding sections *of the Jaipur Penal Code*, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

CHAPTER V.—ABETMENT.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
98	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.

99	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
100	Abetment of any offence, when one act is abetted and a different act is done, subject to the proviso.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	The same punishment as for the offence intended to the abetted.	Ditto ..
102	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	The same punishment as for the offence committed.	Ditto ..
103	Abetment of any offence, if abettor is present when offence is committed.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto. ..	Ditto ..

3

SCHEDULE I—*contd.*

Chapter V—Abetment—*contd*

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what court triable.
104	Abetment of an offence, punishable with death or imprisonment for life, if the offence be not committed in consequence of the abetment.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	Not bailable.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 7 years and fine.	The Court by which the offence abetted is triable.
	If an act which causes harm be done in consequence of the abetment.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 14 years and fine.	Ditto ..

105	Abetment of an offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto ..	Ditto ..	According as the offence abetted is bailable or not.	Ditto ..	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine or both.	Ditto ..
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto ..	Ditio ..	Ditto ..	Ditto ..	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto ..
106	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Ditto ..
107	Concealing a design to commit an offence punishable with death or imprisonment for life, if the offence be committed.	Ditto ..	Ditto ..	Not bailable.	Ditto ..	Imprisonment of either description for 7 years and fine.	Ditto ..

SCHEDULE I—*contd.*

CHAPTER V.—ABETMENT—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code-	By what court triable.
	If the offence be not committed.	May arrest without warrant if arrest for the offence abetted may be made without warrant but not otherwise.	According as a warrant or summons may issue for the offence abetted.	Bailable.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 3 years and fine.	The court by which the offence abetted is triable.
108	A public servant concealing a design to commit an offence which it is his duty to prevent if the offence be committed.	Ditto ..	Ditto ..	According as the offence abetted is bailable or not.	Ditto ..	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto. ..

	If the offence be punishable with death or imprisonment for life.	Ditto ..	Ditto ..	Not bailable.	Ditto ..	Imprisonment of either description for 10 years.	Ditto ..
	If the offence be not committed.	Ditto ..	Ditto ..	Bailable.	Ditto ..	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto ..
109	Concealing a design to commit an offence punishable with imprisonment if the offence be committed.	Ditto ..	Ditto ..	According as the offence concealed is bailable or not	Ditto ..	Ditto ..	Ditto ..
	If the offence be not committed.	Ditto ..	Ditto ..	Bailable.	Ditto ..	Imprisonment extending to one-eight part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto ..

SCHEDULE I—*contd.*

CHAPTER VA.—CRIMINAL CONSPIRACY.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
			CHAPTER VA.—CRIMINAL CONSPIRACY.				
111	Criminal conspiracy to commit an offence punishable with death or rigorous imprisonment for a term of two years or upwards.	May arrest without warrant if arrest for the offence which is the object of the conspiracy may be made without warrant, but not otherwise.	According as warrant or summons may issue for the offence which is the object of the conspiracy.	According as the offence which is the object of the conspiracy is bailable or not.	Not compoundable.	The same punishment as that provided for the abetment of the offence which is the object of the conspiracy.	Court of Session when the offence which is the object of the conspiracy is triable exclusively by such Court; in the case of all other offences Court of Session, magistrate of the first class.

	Any other criminal conspiracy.	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for six months and fine or both.	Magistrate of the first class.
	Chapter VI.—Offences against the State.						
112	Waging or attempting to wage war, or abetting the waging of war against the King-Emperor or Ruler of the Jaipur State.	Shall not arrest without warrant.	Warrant ..	Not bailable.	Not compoundable.	Death, or imprisonment for life, and fine.	Court of Session.
113	Conspiring to commit certain offences against the State.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years and fine.	Ditto ..
114	Collecting arms, etc., with the intention of waging war against the King-Emperor or Ruler of the Jiapur State.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 14 years and fine	Ditto ..
115	Concealing with intent to facilitate a design to wage war.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto ..

Criminal Procedure Code.

SCHEDULE I contd.

CHAPTER VI.—OFFENCES AGAINST THE STATE.—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
116	Assaulting member of the Chief executive Govt. of Jaipur State with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant	Warrant ..	Not bailable.	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session.
117	Sedition. ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years and fine, or fine.	Court of Session, or District Magistrate or Magistrate of the first class specially empowered by the Durbar in that behalf.

118	Procuring or circulating writing etc. likely to cause disaffection against the Durbar or the Govt of India.	Ditto ..	Ditto ..	Bailable.	Ditto ..	Imprisonment of either description for two years and fine.	Ditto
119	Public servant voluntarily allowing prisoner of State in his custody to escape	Shall not arrest without warrant.	Warrant	Not Bailable.	Not compoundable.	Imprisonment of either description for 14 years and fine.	Court of Session.
120	Public servant negligently suffering prisoner of State in his custody to escape.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Simple imprisonment for 3 years and fine.	Court of Session, or Magistrate of the first class.
121	Aiding escape of, rescuing or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ..	Ditto .	Not bailable.	Ditto ..	Imprisonment of either description for 14 years and fine.	Court of Session.

Criminal Procedure Code.

SCHEDULE I.—contd

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY

1	2	3	4	5	6	7	8
Section	Offence	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	2	3	4	5	6	7	8
122	Abetting mutiny, or attempting to seduce an officer or soldier from his allegiance or duty.	May arrest without warrant.	Warrant ..	Not bailable.	Not compoundable.	Imprisonment of either description for 14 years and fine	Court of Session.
123	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Death or imprisonment of either description for 14 years and fine.	Ditto ..

124	Abetment of an assault by an officer or soldier on his superior officer, when in the execution of his office.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court [illegible] or Magistrate of the first class.
125	Abetment of such assault, if the assault is committed.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years and fine	Court of Session.
126	Abetment of the desertion of an officer or soldier.	May arrest without warrant	Warrant ..	Bailable. ..	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both	Magistrate of the first or second class.
127	Harbouring such an officer, or soldier, who has deserted.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
128	Abetment of act of insubordination by an officer or soldier committed in consequence	My arrest without warrant.	Warrant ..	Bailable. ..	Not compoundable.	Imprisonment of either description for 6 months or fine, or both.	Ditto ..

SCHEDULE I—contd.

CHAPTER VII—OFFENCES RELATING TO THE ARMY AND NAVY—contd

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what court triable.
129	Wearing the dress or carring any token used by a soldier, with intent that it may be believed that he is such a soldier.	May arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for 3 months or fine, of 500 rupees, or both.	Any Magistrate. ..

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

1	2	3	4	5	6	7	8
132	Being member of an unlawful assembly.	May arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for 6 months or fine, or both	Any Magistrate.
133	Joining an unlawful assembly armed with any deadly weapon.	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either desciption for 2 years, or fine, or both.	Ditto ..

134	Joining or continuing in an unlawful assembly, knowing it has been commanded to disperse.	Ditto ..	warrant. ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
136	Rioting	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
137	Rioting, armed with a deadly weapon.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years or fine or both.	Court of Session, or Magistrate of the first class.
138	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not	Ditto ..	The same as for the offence.	The Court by which the offence is triable.

SCHEDULE I—contd

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not	Whether compoundable or not	Punishment under the Jaipur Penal Code-	By what court triable.
139	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant	According to the offence committed by the person hired, engaged or employed.	According as the offence is bailable or not	Not compoundable.	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	The court by which the offence is triable.
140	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto ..	Summons	Bailable.	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.

141	Assaulting or obstructing public servant when suppressing riot etc.	Ditto ..	Warrant.	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the first class.
142	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed ..	Ditto ..	Summons	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto ..
143	Promoting enmity between classes.	Shall not arrest without warrant.	Warrant ..	Not bailable.	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the first class.
141	Owner or occupier of land not giving information of riot, etc.	Ditto .	Summons ..	Bailable ..	Ditto ..	Fine of 1,000 rupees	Magistrate of the first or second class.
145	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Fine ..	Ditto ..



SCHEDULE I—contd.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILITY—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
146	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Fine	Magistrate of the first or second class.
147	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months or fine, or both.	Ditto
148	Being hired to take part in an unlawful assembly or riot	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto

149	Or to go armed.	May arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 2 years, or fine or both.	Magistrate of the first or second class.
150	Committing affray	Shall not arrest without warrant	Summons ..	Ditto ..	Ditto.	Imprisonment of either description for one month, or fine of 100 rupees, or both.	Any Magistrate

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

151	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official Act.	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for 3 years or fine, or both.	Court of Session, or Magistrate of the first class.
152	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto ..	Ditto ..	Ditto ..	Ditto .	Ditto ..	Ditto ..
153	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ..	Ditto	Ditto ..	Ditto ..	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the first class.

SCHEDULE I—contd.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what court triable.
154	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Shall not arrest without warrant	Summons	Bailable.	*Not* compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the first class.
155	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the first or second class.

156	Public servant disobeying a direction of the law with intent to cause injury to any person.	Shall not arrest without warrant	Summons ..	Bailable ..	Not compoundable.	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the first or second class.
157	Public servant framing an incorrect document with intent to cause injury.	Ditto .	Ditto .	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the first class.
158	Public servant unlawfully buying or bidding for property	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Magistrate of the first class.
59	Personating a public servant.	May arrest without warrant.	Warrant. ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
160	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ..	Summons ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

Criminal Procedure Code.

SCHEDULE I contd.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

1	2	3	4	5	6	7	8
Section.	Offence	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
161	Absconding to avoid service of summons or other proceedings from a public servant.	Shall not arrest without warrant	Summons ..	Bailable.	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, etc., in a Court of Justice.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto
162	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a pro-	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the first or second class.

	If summons, etc., require attendance in person, etc., in a Court of Justice.	Ditto ..	Ditto ..	Ditto ..	Ditto .	Simple imprisonment for 6 months, or fine of 1 000 rupees, or both.	Ditto
163	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ..	Ditto ..	Ditto ..	Dittto	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate
	If the order require personal attendance, etc., in a Court of Justice.	Ditto .	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto
164	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	The Conrt in which the offence is committed subject to the provisions of Chapter XXXIII; or, if not committed in a Court, a Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto

SCHEDULE I—contd.

Chapter X—Contempts of the Lawful Authority of Public Servants—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code	By what court triable.
165	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the first or second class.
	If the notice or information required respects the commission of an offence etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto

166	Knowingly furnishing false information to a public servant.	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the first or second class.
	If the information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
167	Refusing oath when duly required to take oath by a public servant.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXIII; or, if not committed in a Court, magistrate of the first or second class.
168	Being legally bound to state truth, and refusing to answer questions.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
169	Refusing to sign a statement made to a public servant when legally required to do so	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto

Criminal Procedure Code.

SCHEDULE I.—contd.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
170	Knowingly stating to a public servant on oath as true that which is false.	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for 3 years, and fine	Court of Session, or Magistrate of the first class.
171	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ..	Ditto ..	Ditto ..	Ditto .	Imprisonment of either description for 6 months or fine of 1,000 rupees, or both.	Magistrate of the first or second class.
172	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.

173	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Magistrate of the first or second class.
174	Bidding, by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
175	Obstructing public servant in discharge of his public functions.	Ditto .	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
176	Omission to assist public servant when bound by law to give such assistance.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.

SCHEDULE I.—contd.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—contd.

1	2	3	4	5	6		8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
177	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Magistrate of the first or second class.
	If such disobedience causes danger to human life, health or safety, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.

178	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto
179	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ..	Ditto ..	Ditto ..	Ditto .	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

182	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto ..	Ditto ..	Ditto ..	Ditto .	Imprisonment of either description for 3 years, and fine	Ditto.
183	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ..	Ditto ..	Not bailable	Ditto .	Rigorous imprisonment for 14 years, and fine.	Court of Session.

Criminal Procedure Code

SCHEDULE I—contd.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—contd.

1	2	3	4	5	6	7	8
Section.	Offence	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what court triable.
	If innocent person be thereby convicted and executed.	Shall not arrest without warrant.	Warrant ..	Not bailable	Not compoundable.	Death, or as above.	Court of Session.
184	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for 7 years or upwards	Ditto ..	Ditto ..	Ditto ..	Ditto ..	The same as for the offence.	Ditto
185	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ..	Ditto ..	According as the offence of giving such evidence is bailable or not.	Ditto ..	The same as for giving or fabricating false evidence.	Court of Session, or Magistrate of the first class.

186	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	The same as for giving false evidence.	Ditto
187	Using as a true certificate one known to be false in a material point.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
188	False statement made in any declaration which is by law receivable as evidence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
.9	Using as true any such declaration known to be false.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
190	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.

Criminal Procedure Code,

SCHEDULE I—contd.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what court triable.
	If punishable with imprisonment for 10 years or upwards.	Shall not arrest without warrant	Warrant. ..	Bailable.	Not compoundable.	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the first class.
	If punishable with less than 10 years imprisonment.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Magistrate of the first class, or Court by which the offence is triable.

91	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ..	Summons ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the first or second class.
92	Giving false information respecting an offence committed.	Ditto ..	Ditto ..	Ditto ..	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
93	Secreting or destroying any document to prevent its production as evidence	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Magistrate of the first class.
104	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine or both.	'ourt of Session, 33. or Magistrate of the first class.
195	Fraudulent removal or concealment, etc., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine or both.	Magistrate of the first or second class.

Criminal Procedure Code

SCHEDULE 1—contd.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
96	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine undeʳ sentence, or in execution of a decree.	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the first or second class.
97	Fraudulently suffering a decree to pass for a sum not due, or suffering dcree to be executed after it has been satisfied.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Magistrate of the first class.

198	False claim in a Court of justice.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, and fine.	Ditto
199	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 year, or fine, or both.	Ditto
200	False charge of offence made with intent to injure.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto
	If offence charged be punishable with imprisonment for 7 years or upwards.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session or Magistrate of the first class.
	If offence charged be capital.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session.
201	Harbouring an offender, if the offence be capital.	May arrest without warrant,	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 5 years, and fine.	Court of Session, or Magistrate of the first class.
	If punishable with imprisonment for 10 years, or upwards.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	Ditto ..

SCHEDULE I—contd

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—contd.

1	2	3	4	5	6	7	8
Section.	Offence	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what court triable.
..	If punishable with imprisonment for less than 10 years.	May arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Magistrate of the first class, or Court by which the offence is triable
202	Taking gift, etc., to screen an offender from punishment, if the offence be capital.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.

	If punishable with imprisonment for 10 years, or upwards.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Magistrate of the first class, or Court by which the offence is triable.
03	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with imprisonment for 10 years, or upwards.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine	Court of Session, or Magistrate of the first class.
	If with imprisonment for less then 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Magistrate of the first class, or Court by which the offence is triable.

Criminal Procedure Code,

SCHEDULE I—contd.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—contd.

1	2	3	4	5	6	.	8
Section.	Offence.	Whether the police may arrest without warrant *or not.*	Whether a warrant or a summons shall ordinarily issue *in the first instance.*	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what court triable.
204	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	May arrest without warrant	Warrant. ..	Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the first class.
205	Harbouring an offender who has escaped *from* custody, or whose apprehension has been ordered, if the offence be capital.	Ditto ..	Ditto. ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the first class.

	If punishable with imprisonment for 10 years, or upwards.	*Ditto* ..	*Ditto* ..	Ditto ..	*Ditto* ..	*Imprisonment of either description for 3 years, with or without fine.*	*Ditto.*
	If with imprisonment for less than 10 years	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	*Magistrate* of the first class, or Court by which the offence is triable.
206	Harbouring robbers or dacoits.	*Ditto* ..	*Ditto* ..	Ditto ..	Ditto ..	Rigorous imprisonment for 7 years, and fine .	Court of Session, or Magistrate of *the first* class.
208	Public servant disobeying a direction of law with intent to save person *from punishment, or property from forfeiture*	Shall not arrest *without* warrant.	Summons ..	Ditto ..	*Ditto* ..	Imprisonment of either description for 2 years, or fine or both.	*Magistrate* of the first or second class,
209	Public servant framing an incorrect record or writing with intent to save person from punishment, *or property* from forfeiture.	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.

SCHEDULE I.—contd.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE - contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
210	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, or decision which he knows to be contrary to law.	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
211	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.

212	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender if the offence be capital.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If punishable with imprisonment for 10 years, or upwards.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, with or without fine.	Court of Session, or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, with or without fine.	Magistrate of the first or second class.
213	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice if under sentence of death.	Ditto .	Ditto ..	Not bailable..	Ditto ..	Imprisonment of either description for 14 years, with or without fine.	Court of Session.

SCHEDULE I.—contd.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
213 contd.	If under sentence of imprisonment for 10 years or upwards.	Shall not arrest without warrant.	Warrant.	Not bailable	Not compoundable.	Imprisonment of either description for 7 years, with or without fine.	Court of Session.
	If under sentence of imprisonment for less than 10 years or lawfully committed to custody.	Ditto ..	Ditto ..	Bailable	Ditto ..	Imprisonment of either description for 3 years, or fine or both.	Court of Session, or Magistrate of the first class.
214	Escape from confinement negligently suffered by a public servant.	Ditto ...	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 2 years, or fine or both.	Magistrate of the first or second class.

215	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto
216	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
	If charged with an offence punishable with imprsionment for 10 years or upwards.	Ditto	Ditto	Not bailable	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the first class.
	If charged with a capital offence.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If the person is sentenced to imprisonment for 10 years or upwards.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
	If under sentence of death.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto

SCHEDULE I—contd.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what court triable.
217	Omission to apprehend, or sufference of escape on part of public servant, in cases not otherwise provided for—						
	(A) in cases of intentional omission or sufferance.	Shall not arrest without warrant-	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the first class.
	(B) in case of negligent omission or sufferance.	Ditto ..	Summons ..	Ditto ..	Ditto ..	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the first or second class.

218	Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for.	May arrest without warrant,	Warrant	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto
219	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ..	Not bailable..	Ditto ..	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.
20	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXIII.
	CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.						
222	Counterfeiting, or performing any part of the process of counterfeiting coin.	May arrest without warrant.	Warrant ..	Not bailable..	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session.
223	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto ..	Ditto .	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the first class.

SCHEDULE I.—contd.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—contd.

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what Court triable.
224	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	May arrest without warrant.	Warrant ..	Not bailable..	Not compundable.	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the first class.
225	Abetting in Jaipur territory the counterfeiting out of Jaipur territory of coin.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	The punishment provided for abetting the counterfeiting of such coin within Jaipur territory.	Court of Session.
226	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the first class.

221	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 5 years, and fine.	Court of Session, or Magistrate of the first class.
228	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Magistrate of the first or second class.
229	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the first class.
230	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine	Ditto

SCHEDULE I—contd.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what Court triable.
231	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	May arrest without warrant.	Warrant ..	Not bailable	Not compoundable.	Imprisonment of either description for 3 years, and fine,	Court of Session or Magistrate of the first class.
232	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 5 years, and fine.	Ditto
233	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	Ditto

							Magistrate of the first class.
234	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	
235	Counterfeiting a Government or Durbar stamp.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Imprisonment of either description for 14 years, and fine.	Court of Session.
236	Having possession of an instrument or material for the purpose of counterfeiting a Court or Durbar stamp.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto.
237	Making, buying or selling instrument for the purpose of counterfeiting a Government or Durbar stamp.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
238	Sale of counterfeit Government or Durbar stamp.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
230	Having possession of a counterfeit Government or Durbar stamp.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session, or Magistrate of the first class.

SCHEDULE I.—contd.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.—concluded.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
240	Using as genuine a Government or Durbar stamp known to be counterfeit.	May arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 7 years, andfine	Court of Session, or Magistrate of the first class.
241	Effacing any writing from a substance bearing a Government or Durbar stamp, or removing from a document a stamp used for it with intent to cause loss to Government or the Durbar.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine or both.	Court of Session or Magistrate of the the first class

242	Using a Government or Durbar stamp known to have been before used.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the first class.
243	Erasure of mark denoting that stamp has been used.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the first class.
244	Fictitious stamps.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Fine of 200 rupees.	Magistrate of the first class.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for 1 year, or fine or both.	Magistrate of the first or second class.
246	Fraudulent use of false weight or measure.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
247	Being in possession of false weights or measures for fraudulent use.	Ditto .	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
248	Making or selling false weights or measures for fraudulent use.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..

Criminal Procedure Code,

SCHEDULE I—contd.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HELTH, SAFETY, CONVENIENBE, DECENCY AND MORALS.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code	By what court triable.
250	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant-	Summons	Bailable	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the first or second class.
251	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto	Ditto	Ditto	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Ditto
252	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant-	Ditto.	Ditto	Ditto	Imprisonment of either description for 6 months, or fine, or both.	Ditto

253	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months or fine of 1,000, rup es, or both.	Ditto ..
254	Selling any food or drink as food and drink knowing the same to be noxious.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
255	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
256	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
257	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..

SCHEDULE I—contd.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE DECENCY AND MORALS—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
258	Defiling the water of a public spring or reservoir	May arrest without warrant.	Summons ..	Bailable	Not compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
259	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Fine of 500 rupees.	Ditto ..
260	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto

261	Navigating any vessel so rashly or negligently as to endanger human life, etc	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Magistrate of the first or second class.
262	Conveying for hire any person, by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ..	Ditto ..	Ditto .	Ditto.	Ditto ..	Ditto.
263	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ..	Ditto ..	Liito ..	Ditto ..	Fin' of 200 rupees.	Ditto
264	Dealing with any poisonous substance so as to endanger human life, etc	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto
265	Dealing with fire or any combustible matter so as to endanger human life, etc.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Any magistrate.
260	So dealing with any explosive substance	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto

SCHEDULE I.—contd.

CHAPTER XVI.—OFFENCES AFFECTING PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
267	So dealing with any machinery.	Shall not ararest without warrant.	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the first or second class.
268	A person omitting to guard against probable danger to human life by the fall of any building over which he has right entitling him to pull it down or repair it.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto

		Ditto ..	Ditto ..	Ditto ..	Ditto ..	Any Magistrate.
269	A per-on omitting to take order with any animil in his posses-ion, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant,	Ditto ..	Ditto ..	Fine of 200 rupees.	Ditto
270	Committing a public nuisance.	Shall not arrest without warrant	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine, or both.	Magistrate of the first or second class.
271	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ..	Ditto ..		
272	Sale, etc., of obscene books, etc.	Ditto ..	Warrant ..	Ditto ..	Ditto .	Imprisonment of either description for 3 months or fine or both.	Ditto
273	Having in posses-ion obscene books etc., for ʼale or exhibition.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 months, or fine, or both	Magistrate of the first or second class.
274	Obscene -ongs.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Any Magistrate.

SCHEDULE I—contd.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY CONVENIENCE DECENOY AND MORALS—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what court triable.
275	Keeping a lottery office.	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for 6 months or fine, or both.	Any Mrgistrate.
	Publishing proposals relating to lotteries.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Fine of 1,000 rupees.	Ditto.
276	Lending or letting out house to be used as a brothel.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months or fine or both.	Ditto.

77	Opening or continuing a brothel.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, and fine, of 200 rupees	Magistrate of the first or second class.
	CHAPTER XV. OFFENCES RELATING TO RELIGION.						
278	Destroying, damaging or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for 2 years, or fine or both.	Magistrate of the first or second class.
9	Causing a disturbance to an assembly engaged in religious worship.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine or both.	Ditto
280	Trespassing in place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person or offering indignity to a human corpse.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto

Criminal Procedure Code,

SCHEDULE I—contd.

CHAPTER XV.—OFFENCES RELATING TO RELIGION—contd.

1	2,	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what court triable.
281	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feeling.	Shall not arrest without warrant-	Summons ..	Bailable ..	Compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the first or second class.
282	Attempting to kill, or causing serious bodily injury to a cow or ox.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, or fine, or both.	Court of Session,

283	Intentionally killing a cow or ox.	Ditto ..	Warrant ..	Not bailable..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Court of Session.
284	Importing, buying or selling beef within any part of Jaipur territory.	Shall not arrest without warrant.	Summons ..	Bailable ..	Ditto ..	Imprisonment of either description for 1 year, or fine up to Rs. 200/or both.	Magistrate of the first or second class.
285	Intentionally killing a monkey, nilgai, peacock or pigeon.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Fine up to Rs. 50/-	Any Magistrate.
286	Castrating an ox.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine or both.	Magistrate of the first or second class.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.
Of Offences affecting Life—contd.

290	Murder.	May arrest without warrant.	Warrant ..	Not bailable..	Not compoundable.	Death, or imprisonment for life, and fine.	Court of Session.
291	Murder by a person under sentence of imprisonment for life.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Death ..	Ditto

SCHEDULE I.—contd.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—contd.

Of Offences affecting Life—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
292	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, etc.	May arrest without warrant.	Warrant.	Not bailable	Not compoundable.	Imprisonment of either description for 14 years, and fine.	Court of Session.
	If act is done with knowledge that it is likely to cause death but without any intention to cause death, etc.,	Ditto ...	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, or fine or both.	Ditto

293	Causing death by rash or negligent act.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, or Magistrate of the first class.
294	Abetment of suicide committed by a child, or insane or delirious person or an idiot, or a person intoxicated.	Ditto ..	Ditto ..	Not bailable ..	Ditto ..	Death, or imprisonment for 14 years, and fine.	Court of Session.
295	Abetting the commission of suicide.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto. ..
3	Attempt to murder.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
	If such act cause hurt to any person.					Imprisonment for life, or as above.	Ditto ..
	Attempt by life-convict to murder, if hurt is caused.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Death or as above.	Ditto. ..
297	Attempt to commit culpable homicide.	Ditto ..	Ditto ..	Baliable ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Ditto ..

Criminal Procedure Code,

SCHEDULE I—contd.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—contd.

Of Offences affecting Life—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code	By what court triable.
	If such act cause hurt to any person	May arrest without warrant-	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
298	Attempt to commit suicide.	Ditto ..	Ditto ..	Ditto ..	Ditto. ..	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the first or second class.
300	Being a thug ..	Ditto ..	Ditto. ..	Not bailable.	Ditto ..	Imprisonment for life, and fine.	Court of Session.
Of the Causing of Miscarriage; of Injuries to Unborn Children of the Exposure of Infants and of the Concealment of Births.							
301	Causing miscarriage.	Shall not arrest without warrant-	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Ditto ..

	If the woman be quick with child.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	... of either description for 7 years, and fine.	
302	Causing miscarriage without woman's consent.	Ditto ..	Ditto ..	Not bailable..	Ditto	Imprisonment of either description for 14 years, and fine.	Ditto.
303	Death caused by an act done with intent to cause miscarriage.	Ditto ..	Ditto ..	1 iito ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto
	If act done without woman's consent.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for 14 years and fine.	Ditto
304	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ..	Ditto ..	Ditto .	Ditto ..	Imprisonment of either description for 10 years, or fine or both.	Ditto
305	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto

SCHEDULE I—contd.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—contd.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants and of the Concealment of Births—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
306	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 7 years, or fine or both.	Court of Session, or Magistrate of the first class.
307	Concealment of birth by secret disposal of dead body.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, or Magistrate of the first ‡** class.

Of Hurt.

312	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons ..	Bailable.	Compoundable.	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
313	Voluntarily chusing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ..	Ditto ..	Compoundable when permission is given by the Court before which a prosecution is pending.	Impri-onment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of first or second class.
314	Voluntarily causing grievous hurt.	Ditto	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto ..
315	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto .	Ditto ..	Not bailable	Not Compoundable.	Imprisonment of either description for 14 years, and fine.	Court of Session, or Magistrate of the first class.
316	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do any thing which is illegal or which may facilitate the commission of an offence.	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine	Ditto ..

SCHEDULE I—contd.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—contd.

Of the Causing of Miscarriage; of Injuries to Unborn Children, of the Exposure of Infants and of the Concealment of Births—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
306	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 7 years, or fine or both.	Court of Session, or Magistrate of the first class.
307	Concealment of birth by secret disposal of dead body.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, or Magistrate of the first ‡** class.

319	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto
320	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	Ditto ..	Ditto ..	Not bailable	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto
321	Voluntarily causing hurt to deter public servant from his duty.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the first class.
322	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ..	Ditto ..	Not bailable.	Ditto ..	Imprisonment of either description for 10 years, and fine.	Court of Session.
323	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other then the person who gave the provocation.	Shall not arrest without warrant	Ditto ..	Bailable ..	Compoundable.	Imprisonmetn of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE I.—contd.

CHAPTER XVI.—OFFENCES RELATING TO RELIGION.—contd.

Of Hurt—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
324	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrets without warrant.	Summons ..	Bailable ..	Compoundable when permission is given by the Court be fore which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, or Magistrate of the first or second class.
325	Doing any act which endangers human life or the personal safety of others.	Ditto ..	Ditto ..	Ditto ..	Not compoundable.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.

326	Causing hurt by an act which endangers human life, etc.	Ditto ..	Ditto ..	Ditto ..	Compoundable when permission is given by the Court be fore which a prosecution is pending-	Imprisonment of either description for 6 months or fine of 500 rupees, or both.	first or second class.
327	Causing grievous hurt by an act which endangers human life, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine of 1,000 rupees or both.	Ditto.

OF WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT.

330	Wrongfully restraining any person.	May arrest without warrant.	Summons ..	Bailable ..	Compoundable	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
331	Wrongfully confining any person.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Magistrate of the first or second class.
332	Wrongfully confining for three or more days.	Ditto ..	Ditto ..	Ditto ..	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

Criminal Procedure Code,

SCHEDULE I—contd.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—contd.

Of Wrongful Restraint and Wrongful Confinement.

1	2	3	4	5	6	7	8
Section.	*Offence.*	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code	By what court triable.
333	Wrongfully confin-*ing for* 10 or *more* days.	May arrest without warrant-	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the first or second class.
334	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto. ..	Imprisonmen of either description for 2 years, in addition to imprison m e n t under any other section.	Ditto

335	Wrongful confinement in secret.	May arrest without warrant.	Ditto ..	Ditto ..	Compoundable when permission is given by the Court before which the prosecution is pending.	Ditto ..	Ditto
336	Wrongful confinement for the purpose of extorting property or constraining to an illegal act, etc.	Ditto ..	Ditto ..	Ditto ..	Not compoundable	Imprisonment of either description for 3 years, and fine.	Ditto ..
337	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session, or Magistrate of the first class.

OF CRIMINAL FORCE AND ASSAULT.

341	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ..	Bailable ..	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE I—contd.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—contd.

Of Criminal Force and Assault—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what court triable.
342	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the first or second class.
343	Assault or use of criminal force to a woman with intent to *outrage her modesty*.	Ditto ..	Ditto ..	*Ditto* ..	*Ditto* ..	Ditto ..	Ditto.
344	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ..	Ditto ..	Compoundable	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

315	*Assault or criminal force in attempt to commit theft of property worn or carried by a person.*	*May arrest without warrant.*	Warrant ..	*Not bailable..*	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
316	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ..	Ditto ..	Bailable ..	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
347	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant	Summons ..	Ditto ..	Compoundable	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto

Of Kidnapping, Abduction, Slavery and Forced Labour.

2	Kidnapping ..	May arrest without warrant.	Warrant ..	Bailable. ..	Not Comoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the first class.
353	Kidnapping or abducting in order to murder.	Ditto ..	Ditto ..	Not bailable...	Ditto ..	Rig rous imprisonment, for 14 years, and fine.	Court of Session.

SCHEDULE I.—contd.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—contd.

Of Kidnapping Abduction, Slavery and Forced Labour—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
354	Kidnapping or abducting with intent secretly and wrongfuly to confine a *person*.	May arrest without warrant.	Warrant .	Not bailable.	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the first class.
355	Kidnapping or abducting a *woman* to compel her marriage or to cause her defilement, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description *for 10 years*, and fine.	Court of Session.
356	Kidnapping or abducting in order to subject a person to grievous hurt, slavery etc.	Ditto ..	Ditto ..	Ditto ..	Ditto.	Ditto ..	Ditto

		Ditto ..	Ditto ..	Ditto ..	Ditto ..	Punishment for kidnapping or abduction.	Court of Session, or Magistrate of the first class.
357	Concealing or keeping in confinement a kidnapped person.	Ditto ..	Ditto ..	Ditto .	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto
358	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Ditto ..	Court of Session.
359	Buying or disposing of any person as a slave.	Shall not arrest without warrant	Ditto ..	Not bailable.	Ditto ..	Imprisonment of either description for 14 years, and fine.	Ditto
360	Habitual dealing in slaves.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Court of Session, or Magistrate of the first class.
361	Selling or letting to hire a minor for purposes of prostitution, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto
362	Buying or obtaining possession of a minor for the same purposes.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto
363	Unlawful compulsory labour.	Shall not arrest without warrant.	Ditto ..	Bailable ..	Compoundable.	Imprisonment of either description for 1 year or fine, or both.	Any Magistrate.

SCHEDULE I.—contd.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—contd.

Of Rape

1	2	3	4	5	6	7	8
Section.	*Offence*	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
365	Rape— If the sexual intercourse was by a man with his own wife.	Shall not arrest without warrant.	Summons ..	Bailable.	*Not* compoundable.	Imprisonment of either description for 14 years, and fine.	Court of Session.
	In any other case.	May arrest without warrant.	Warrant ..	Not bailable	Ditto ..	Ditto ..	Ditto.
366	Unnatural offences.	Ditto ..	Ditto .	Ditto ..	Ditto ..	Ditto ..	Court of Session, or Magistrate of the first class.

Of Theft.

368	Theft	May arrest without warrant.	Warrant ..	Not bailable.	Not Compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
369	Theft in a building, tent or vessel.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto ..
370	Theft by clerk or servant of property in possession of Master or employer.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session, or Magistrate of the first or second class.
371	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 10 years, and fine.	Court of Session, or Magistrate of the first class.

Criminal Procedure Code,

SCHEDULE I—contd

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—contd.

Of Extortion.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not	Whether compoundable or not	Punishment under the Jaipur Penal Code	By what court triable.
373	Extortion ..	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 3 years, and fine or both.	Court of Session, or Magistrate of the first or second class.
374	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ..	Ditto ..	Ditto ..	Ditto. ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto
375	Extortion by putting a person in fear of death or grievous hurt.	Ditto ..	Ditto ..	Not bailable..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Court of Session.

376	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
377	Extortion by threat of accusation of an offence punishable with death, or imprisonment for 14 years.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for life.	Ditto
79	Putting a person in fear of accusation of offence punishable with death or with imprisonment for 14 years, in order to commit extortion.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for life.	Ditto

SCHEDULE I—contd.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—contd

Of Robbery and Dacoity.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
381	Robbery.. ..	May arrest without warrant.	Warrant ..	Not bailable	Not compoundable.	Rigorous imprisonment for 10 years, and fine	Court of Session, or Magistrate of the first class.
	If committed on the highway between sunset and sunrise.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 14 years, and fine.	Ditto
382	Attempt to commit robbery.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 7 years, and fine.	Ditto

383	Person voluntarily causing hurt in committing or attempting to commit robbing, or any other person jointly concerned in such robbery.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	...igorous imprisonment for 14 years, and fine.	Ditto ..
384	Dacoity.	Ditto .	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session,
385	Murder in dacoity.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Death or rigorous imprisonment for 14 years and fine.	Ditto
386	Robbery or dacoity, with attempt to cause death or grievous hurt	Ditto .	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for not less than 7 years.	Ditto
387	Attempt to commit robbery, or dacoity when armed with deadly weapon.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto
388	Making preparation to commit dacoity.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 10 years. and fine.	Ditto

Criminal Procedure Code,

SCHEDULE I—contd.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—contd.

Of Robbery and Dacoity—concld.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what court triable.
389	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	May arrest without warrant.	Warrant ..	Not bailable	Not compoundable.	Rigorous imprisonment for 14 years, and fine.	Court of Session.
390	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ..	Ditto ..	Ditto .	Ditto. ..	Rigorous imprisonment for 7 years, and fine.	Court of Session, or Magistrate of the first class.
391	Being one of five or more persons assembled for the pur-	Ditto ..	Ditto ..	Not bailable..	Ditto .	Ditto ..	Court of Session.

	Of Criminal Misappropriation of Property.						
302	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant ..	Bailable ..	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
303	Dishonest misappropriation of property knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ..	Ditto .	Ditto ..	Not Compoundable.	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the first or second class.
	If by clerk or person employed by deceased.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto
	Of Criminal Breach of Trust.						
305	Criminal breach of trust.	May arrest without warrant.	Warrant ..	Not bailable	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the first or second class.

SCHEDULE I.—contd.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—contd.

Of Criminal Breach of Trust—concld

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what Court triable.
396	Criminal breach of trust by a carrier, wharfinger, etc.	May arrest without warrant.	Warrant ..	Not bailable.	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the first class.
397	Criminal breach of trust by a clerk or servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session, or Magistrate of the first or second class.
398	Criminal breach of trust by public servant or by banker, merchant or agent, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto. ..	Imprisonment of either description for 14 years, and fine.	Court of Session, or Magistrate of the first class.

Of the Receiving of Stolen Property.

400	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ..	Not bailable.	Not compoundable	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the first second class.
401	Dishonestly receiving stolen property knowing that it was obtained by dacoity.	Ditto. ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 14 years, and fine.	Court of Session,
402	Habitually dealing in stolen property.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 14 years, and fine.	Ditto ..
403	Assisting in concealment or disposal of stolen property knowing it to be stolen.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session; or Magistrate of the first or second class.

Of Cheating.

406	Cheating	Shall not arrest without warrant.	Warrant ..	Bailable ..	Compundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either descrip tion for 1 year or fine, or both.	Magistrate of the first or second class.

SCHEDULE I.—contd.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—contd.

Of Cheating—concld.

1	2	3	4	5	6	7	8
Section.	Offence	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
407	Cheating a person whose interest the offender was bound, either by law or by legal contract to protect.	Shall not arrest without warrant.	Warrant ..	Bailable.	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 3 years or fine or both.	Court of Session, or Magistrate of the first or second class.
408	Cheating by personation.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
409	Cheating and thereby dishonestly inducing delivery of property or the making alteration or destruction of a valuable security.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the first class.

Of Fraudulent Deeds and Disposition of Property.

410	Fraudulent removal or concealment of property, etc, to prevent distribution among creditors.	Shall not arrest without warrant	Warrant	Bailable	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the first or second class.
411	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
412	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
3	Fraudulent removal or concealment of property, of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

Criminal Procedure Code

SCHEDULE I—contd.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—contd.

Of Mischief

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what court triable.
415	Mischief ..	Shall not arrest without warrant.	Summons ..	Bailable ..	Compoundable when the only loss or damage caused is loss or damage to a private person.	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
416	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine or both.	Magistrate of the first or second class
417	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or	May arrest without warrant.	Ditto ..	Ditto ..	Not compoundable.	Ditto ..	Ditto.

418	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, etc., whatever may be its value or any other animal of the value of 50 rupees or upwards.	Ditto ..	Ditto .	Ditto ..	Ditto ..	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, or Magistrate of the first or second class.
419	Mischief by causing diminution of supply of water for agricultural purposes, etc.	Ditto ..	Ditto ..	Ditto ..	Compoundable when permission is given by the Court before which the prosecution is pending.	Ditto ..	Ditto
420	Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto ..	Ditto ..	Ditto ..	Not compoundable.	Ditto ..	Ditto
421	Mischief by causing inundation or obstruction to public drainage, attended with damage.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what court triable.
422	Mischief by destroying or moving, etc., a land-mark fixed by public authority.	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the first or second class.
423	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards, or in case of agricultural produce, 10 rupees or upwards.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the first class.

21	Mischief by fire or explosive substance with intent to destroy a house, etc.	Ditto ..	Ditto ..	Not bailable..	Ditto .	Imprisonment of either description for 14 years, and fine.	Court of Session.
25	Mischief committed after preparation made for causing death, or hurt, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 5 years, and fine.	Court of Session, or Magistrate of the first class.

OF CRIMANAL TRESPASS.

432	Criminal trespass.	May arrest without warrant.	Summons ..	Bailable ..	Compoundable	Imprisonment of either description for 3 months or fine of 500 rupees, or both.	Any Magistrate.
433	House-trespass. ..	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto
431	House trespass in order to the commission of an offence punishable with death	Ditto ..	Ditto ..	Not bailable.	Not compoundable.	Rigorous imprisonment for 14 years, and fine.	ourt of Session,
435	House-trespass in order to the commission of an offence ...	Ditto ..	Ditto ...	Ditto ..	Ditto .	Imprisonment of either description for 14 years, and fine.	Ditto.

SCHEDULE I.—contd.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—contd.

Of Criminal Trespass—contd.

1	2	3	4	5	6	7	8
Section.	Offence	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
436	House-trespass in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant ..	Bailable.	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years and fine	Any Magistrate
	If the offence is theft.	Ditto ..	Ditto ..	Not bailable.	Not compoundable	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.
437	House-trespass, having made preparation for causing hurt, assault, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto .	Ditto ..	Ditto.

438	Lurking house-trespass or house-breaking.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, and fine.	Magistrate of the first or second class.
439	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment not exceeding 14 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session. or Magistra of the first or second class.
439 contd	If the offence is theft.	Ditto ..	Ditto ..	Ditto ..	Ditto .	Imprisonment of either description for 10 years, and fine.	Ditto
410	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session, or Magistrate of the first class.
441	Lurking house-trespass or house-breaking by night.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the first or second class.

Criminal Procedure Code.

SCHEDULE I.—contd.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—contd.

Of Criminal Trespass—contd.

1	2	3	4	5	6	7	8
Section.	Offence	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
442	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment	May arrest without warrant.	Warrant ..	Not bailable.	Not compoundable.	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the first or second class.
442 contd	If the offence is theft.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 14 years, and fine.	Ditto
443	Lurking house-trespass or house-breaking by night after preparation made for causin' hurt, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto. ..	Ditto ..	Court of Session, or Magistrate of the first class.

						Court of Session.
444	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 14 years, and fine
445	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto	Ditto
446	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the first or second class.
447	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine or both	Court of Session, or Magistrate of the first or second class.

SCHEDULE 1—contd.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
450	Forgery.. ..	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, or Magistrate of the first class.
451	Forgery of a record of a Court of Justice or of a Register of Births, etc., kept by a public servant.	Ditto ..	Ditto ..	Not bailable..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
452	Forgery of a valuable security, will or authority to make or transfer any valuable security, or to receive any money, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 14 years, and fine.	Ditto

	security, or as re- ... money, &c.						
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 14years, and fine.	Ditto
3	Forgery for the purpose of cheating	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the first class.
51	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Ditto
56	Using as genuine a forged document which is known to be forged.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Punishmet for forgery of such document.	Same Court as that by which the forgery is triable.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session,

SCHEDULE I—contd.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what court triable.
457	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable under section 452 of the Jaipur Penal Code, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 10 years, and fine.	Court of Session,

458	*Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable otherwise than under section 452 of the Jaipur Penal Code, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.*	*Ditto* ..	*Ditto* ..	*Ditto* ..	*Ditto* ..	Imprisonment of either description for 7 years, and fine.	*Court of Session.*
459	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 451 of the Jaipur Penal Code.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto
459 contd	If the document is one of the description mentioned in section 452 of the Jaipur Penal Code.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto

SCHEDULE I—contd

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what court triable.
460	Counterfeiting a device or mark used for authenticating documents described in section 452 of the Jaipur Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 10 years, and fine.	Court of Session,

461	*Counterfeiting a device or mark used for authenticating documents other than those described in section 452 of the Jaipur penal Code, or possessing counterfeit marked material.*	Ditto ..	Ditto	Not bailable	Ditto .	Imprisonment of either description for 7 years, or fine.	Ditto
462	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto .	Imprisonment of either description for 10 years, or fine, or both.	Ditto
463	Falsification of accounts.	Ditto ..	Ditto ..	Bailable ..	Ditto ..	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, or Magistrate of the first class.

Of Trade and Property Marks.

468	Using a false trade or property mark with intent to deceive or injure any person.	Shall not arrest without warrant	Warrant ..	Bailable .	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 1 year, or fine or both.	Magistrate of the first or second class.

SCHEDULE I.—contd.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS—contd.

Of Trede and Property Marks—contd.

1	2	3	4	5	6	7	8
Section.	Offence	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
469	Counterfeiting a trade or property mark used by another, with intent to cause *damage or injury.*	Shall not arrest without warrant.	Warrant ..	Bailable.	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the first or second class.
470	Counterfeiting a property mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property.	Ditto ..	Summons ..	Ditto ..	Not compoundable	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the first class.

471	Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trade-mark.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine or both.	Court of Session, or Magistrate of the first class.
472	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto ..	Ditto ..	Ditto ..	Compoundable with permission of the Court before which the prosecution is pending.	Imprisonment of either description for 1 years, or fine, or both.	Magistrate of the first or second class.
473	Fraudulently making a false mark upon any package or receptacle containing goods with intent to cause it to be believed that it contains goods which it does not contain, etc.	Ditto ..	Ditto ..	Ditto ..	Not compoundable.	Imprisonment of either description for 3 years, or fine or both.	Court of Session, or Magistrate of the first or second class.
474	Making use of any such false mark.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto
475	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the first or second class.

SCHEDULE I.—contd.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS.—contd.

Of Currency-Notes and Bank-Notes

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
476	Counterfeiting currency-notes or bank-notes.	May arrest without warrant.	Warrant ..	Not bailable.	Not compoundable.	Imprisonment of either description for 14 years, and fine.	Court of Session.
477	Using as genuine forged or counterfeit currency-notes or bank-notes.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto
478	Possession of forged or counterfeit currency-notes or bank-notes.	Ditto ..	Ditto ..	Bailable ..	Ditto. ..	Imprisonment of either description for 7 years, or fine, or both.	Ditto.

470	Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes.	Ditto ..	Ditto ..	Not bailable..	Ditto ..	Imprisonment of either description for 14 years, and fine.	Ditto

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE.

480	Being bound by contract to render personal service during a journey or to convey or guard any property or person and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ..	Bailable ..	Compoundable	Imprisonment of either description for 1 months, or fine of 100 rupees, or both.	Magistrate of the first or second class.
481	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 months, fine of 200 rupees, or both.	Ditto

SCHEDULE I—contd.

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE—concld.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what Court triable.
482	Being bound by contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty.	Shall not arrest without warrant.	Summons ..	Bailable ..	Compoundable.	Imprisonment of either description for 1 month, or fine of double the expense incurred, or doth.	Magistrate of the first and second class.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

481	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ..	Not bailable.	Not compoundable.	Imprisonment of either description for 10 years, and fine.	Court of Session.
484	Marrying again during the life time of a husband or wife.	Ditto ..	Ditto ..	Bailable ..	Compoundable with permission of the Court before which the prosecution is pending.	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the first class.
	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, or fine, or both.	Court of Session,
480	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto

Criminal Procedure Code,

SCHEDULE I—contd.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE—concld.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not	Punishment under the Jaipur Penal Code.	By what court triable.
487	Adultery ..	Shall not arrest without warrant.	Warrant ..	Bailable ..	Compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, or Magistrate of the first class.
	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the first or second class.

CHAPTER XXI.—DEFAMATION.

400	Defamation ..	Shall not arrest without warrant	Warrant ..	Bailable ..	Compoundable	[Simple imprisonment for 2 years, or fine, or both.	Court of Session, or Magistrate of the first class.

501	Printing or engraving matter knowing it to be defamatory.	Ditto ..	Ditto .	Ditto ..	Ditto ..	Ditto ..	Ditto
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto

CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ..	Bailable	Compoundable	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumour, etc, circulated with intent to cause mutiny or offence against the public peace.	Ditto ..	Ditto ..	Not bailable	Not compoundable.	Ditto ..	Magistrate of the first class.
506	Criminal intimidation.	Ditto ..	Ditto ..	Bailable ..	Compoundable	Ditto ..	Magistrate of the first or second class.
	If threat be to cause death or grievous hurt, etc.	Ditto ..	Ditto ..	Ditto ..	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, or Magistrate of the first class.

SCHEDULE I—contd.

CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE—contd.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Jaipur Penal Code.	By what court triable.
497	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not compoundable.	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Court of Session, or Magistrate of the first class.
498	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ..	Ditto ..	Ditto ..	Compoundable	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the first or second class.

499	Appearing in a public place, etc., in a state of intoxication, and causing annoyance to any person.	Ditto ..	Ditto ..	Ditto ..	Not compoundable.	Simple imprisonment for 24 hours or fine of 10 rupees, or both	Any Magistrate.
	CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.						
500	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as to the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compoundable when the offence attempted is compundable.	Imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence attempted is triable.
	CHAPTER XIV.—OFFENCES AGAINST OTHER LAWS.						
	If punishable with death or imprisonment for 7 years or upwards.	May arrest without warrant.	Warrant ..	Not bailable.	Not compoundable.	....	Court of Session.
	If punishable with imprisonment for 3 years and upwards, but less than 7.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	....	Court of Session, or Magistrate of the first class.
	If punishable with imprisonment for 1 year and upwards, but less than 3 years.	Shall not arrest without warrant.	Summons ..	Bailable ..	Ditto ..	....	Court of Session, or Magistrate of the first or second class.
	If punishable with imprisonment for less than 1 year, or with fine only	Ditto ..	Ditto :	Ditto ..	Ditto ..	....	Any Magistrate.

SCHEDULE II.

(*See section 25.*)

ORDINARY POWERS OF SUBORDINATE MAGISTRATES

I. ORDINARY POWERS OF A MAGISTRATE OF THE THIRD CLASS.

(1) Power to arrest, or direct the arrest of, and to commit to custody, a person committing an offence in his presence, Section 53.

(2) Power to arrest, or direct the arrest in his presence of an offender, Section 54.

(3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, Sections 73, 74 and 76.

(4) Power to issue proclamations in cases judicially before him, Section 77.

(5) Power to attach and sell property and to dispose of claims to attached property in cases judicially before him, Section 78.

(6) Power to restore attached property, Section 79.

(7) Power to apply for search to be made for letters and telegrams, Sections 85 and 86.

(8) Power to issue Search-warrant, Section 87.

(9) Power to endorse a Search warrant and order delivery of thing found, Section 90.

(10) Power to command unlawful assembly to disperse, Section 124.

(11) Power to use civil force to disperse unlawful assembly, Section 125.

(12) Power to require military force to be used to disperse unlawful assembly, Section 127.

(13) Power to authorise detention, not being detention in the custody of the Police, of a person during a police-investigation, Section 160.

(14) Power to postpone issue of process and inquire into case himself, Section 194.

(15) Power to detain an offender found in Court, Section 273.

(16) Power to apply to District Magistrate to issue commission for examination of witness, Section 392.

(17) Power to recover forfeited bond for appearance before Magistrate's Court, Section , and to require fresh

(18) Power to make order as to custody and disposal of property pending inquiry or trial, Section 405.

(19) Power to make order as to disposal of property, Section 406.

(20) Power to sell property of a suspected character, Section 414.

(21) Power to require affidavit in support of application, Section 426.

(22) Power to make local inspection, Section 427.

II. ORDINARY POWERS OF A MAGISTRATE OF THE SECOND CLASS.

(1) The ordinary powers of a Magistrate of a third class.

(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, Section 149.

(3) Power to postpone issue of process and to inquire into a case or direct investigation, Section 194.

III. ORDINARY POWERS OF A MAGISTRATE OF THE FIRST CLASS.

(1) The ordinary powers of a Magistrate of the Second Class.

(2) Power to issue Search-warrant otherwise than in course of an inquiry, Section 89.

(3) Power to issue Search-warrant for discovery of persons wrongfully confined, Section 98.

(4) Power to require security to keep the peace, Section 105.

(5) Power to require security for good behaviour, Section 107.

(6) Power [illegible] 123.

(7) Power to make [illegible] nuisances, Section 129.

(8) Power to make orders, etc., in possession cases, Sections 139, 140 and 141.

(9) Power to record statements and confessions during a police investigation, Section 157.

(10) Power to authorise detention of a person in the custody of the Police during a police investigation, Section 160.

(11) Power to hold inquests, Section 167.

(12) Power to commit for trial, Section 200.

(13) Power to stop proceedings when no complaint, Section 235.

(14) Power to take evidence on commission, Section 389.

(15) Power to recover penalty on forfeited bond, Section 400.

(16) Power to require fresh security, Section 401.

(17) Power to re-call case made over by him to another Magistrate, Section 416 (4).

(18) Power to make order as to first offenders, Section 449.

(19) Power to order released convicts to notify residence, Section 452.

IV. ORDINARY POWERS OF A DISTRICT MAGISTRATE.

(1) The ordinary powers of a Magistrate of the first class.

(2) Power to try juvenile offenders, Section 19.

(3) Power to order search for, and detention of, letters, telegrams etc., Section 86, clause (2).

(4) Power to require security for good behaviour, in case of sedition, Section 106.

(5) Power to require security for good behaviour, Section 108.

(6) Power to recommend discharge of persons bound to keep the peace or to be of good behaviour, Section 121.

(7) Power to make orders prohibiting repititions of nuisances, Section 137.

(8) Power to make orders under Section 138.

(9) Power to depute Subordinate Magistrate to make local inquiry, Section 142.

(10) Power to order Police investigation into cognizable case, Section 150.

(11) Power to receive report of police-officer and pass orders, Section 166.

(12) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, Section 178.

(13) Power to entertain complaints, Section 180.

(14) Power to receive police-reports, Section 180.

(15) Power to entertain cases without complaint, Section 180.

(16) Power to transfer cases to a subordinate Magist. Section 182.

(17) Power to order preliminary investigation by police-officer not below the rank of Inspector in certain cases, Section 187.

(18) Power to tender pardon to accomplice at any stage of a case, Section 257.

(19) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, Section 270

(20) Power to quash convictions in certain cases, Section 271.

(21) Power to hear or refer appeals from convictions by Magistrates of the second and third classes, Section 325.

(22) Power to call for records, Section 347.

(23) Power to order commitment, Section 348.

(24) Power to order inquiry into complaint dismissed, or case of accused discharged, Section 349

(25) Power to report case to the Chief Court, Section 350.

(26) Power to appoint person to be public prosecutor in particular case, Section 378 (2).

(27) Power to issue commission for examination of witness, Sections 389 and 392.

(28) Power to hear appeals from, or revise, orders passed under Section 400, Section 403.

(29) Power to sell property alleged or suspected to have been stolen etc., Section 413.

(30) Power to withdraw cases other than appeals and to try or refer them for trial, Section 436.

(31) Power to compel restoration of abducted female, Section 441

SCHEDULE. III.

ADDITIONAL POWERS WITH WHICH SUBORDINATE MAGISTRATES MAY BE INVESTED.

(*See Section 26 and 27*.

I Powers with which a Magistrate of the first class may be invested :—

(*a*) by the Durbar :—

(1) Power to require security for good behaviour in case of sedition, section 106.

(2) Power to require security for good behaviour, Section 108.

(3) Power to make orders prohibiting repetitions of nuisances, Section 137.

(4) Power to make orders under Section 138.

(5) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, Section 178.

(6) Power to hear appeals from convictions by Magistrates of the second and third classes, Section 325.

(7) Power to sell property alleged or suspected to have been stolen etc, Section 413.

(8) Power to try cases under Section 117 of the Jaipur Penal Code.

(*b*) by the Chief Court, with the previous sanction of the Durbar :—

(1) Power to take cognizance of offences upon complaint, Section 180.

(2) Power to take cognizance of offences upon police-reports, Section 180.

(3) Power to take cognizance of offences without complaint, Section 180.

(*c*) by the Chief Court :—

(1) Power to make orders under Section 138.

(*d*) by the District Magistrate :—

(1) Power to make orders prohibiting repititions of nuisances, Section 137.

(2) Power to tender pardon to accomplice, during inquiry into case by himself, Section 257.

II Powers with which a Magistrate of the second class may be invested.

(*a*) by the Durbar :—

(1) Power to make orders prohibiting repetitions of nuisances, Section 137.

(2) Power to make orders under Section 138.

(3) Power to record statements and confessions during a police investigation, Section 157.

(4) Power to authorise detention of a person in the custody of the Police during a police investigation, Section 160.

(5) Power to hold inquests, Section 167.

(6) Power to take cognizance of offences upon complaint, Section 180

(7) Power to take cognizance of offences upon police-reports, Section 180.

(b) by the Chief Court, with the previous sanction of the Durbar;—

(1) [illegible] of offences upon com- [illegible]

(2) Power to take cognizance of offences upon police reports, Section 180.

(c) by the Chief Court :—

(1) Power to make orders under Section 138.

(2) Power to hold inquests, Section 167.

III.—Powers with which a Magistrate of the third class may be invested.

(a) by the Durbar :—

(1) Power to hold inquests, Section 167.

(b) by the Chief Court :—

(1) Power to hold inquests, Section 167.

SCHEDULE IV.

(*See section 443.*)

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(*See section 57.*)

To of

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (or by pleader, *as the case may be*) before the (*Magistrate*) of , on the day of . Herein fail not.

Dated this day of 19 .

(*Seal.*) (*Signature*).

II.—WARRANT OF ARREST.

(*See section 66.*)

To (*name and designation of the person or persons who is or are to execute the warrant*);

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said , and to produce him before me. Herein fail not.

Dated this day of 19 .

(Seal.) *(Signature.)*

(See section 67.)

This warrant may be endorsed as follows:—

If the said shall give bail himself in the sum of , with one surety in the sum of *(or* two sureties each in the sum of *)* to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of 19 .

(Signature.)

III.—BOND AND BAIL-BOND AFTER ARREST UNDER WARRANT.

(See section 76.)

I *(name)*, of , being brought before the District Magistrate of *(or as the case may be)* under a warrant issued to compel my appearance to answer to the charge of , do hereby bind myself to attend in the Court of on the day of next, to answer to the said charge, and to continue so to attend until otherwise directed by the Court , and, in case of my making default herein, I bind myself to forfeit, to the Ruler of the State the sum of rupees.

Dated this day of 19 .

(Signature.)

I do hereby declare myself surety for the above named of , that he shall attend before in the Court of on the day of next, to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court , and, in case of his making default therein, I bind myself to forfeit to the Ruler of the State, the sum of rupees

Dated this day of 19 .

(Signature.)

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(See section 77.)

WHEREAS complaint has been made before me that *(name, description and address)* has committed *(or* is suspected to have committed) the offence of punishable under section of the Jaipur Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said *(name)* cannot be found, and whereas it has been shown to my satisfaction that the said *(name)* has absconded *(or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear at *(place)* before this Court or before me to answer the said complaint on the day of

Dated this day of 19 .

(Seal.) *(Signature*

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(*See section 77.*)

WHEREAS complaint has been made before me that (*name description and address*) has committed (*or* is suspected to have committed) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name description and address of the witness*) before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (*name*) is required to appear at (*place*) before the Court of on the day of next at o'clock to be examined touching the offence complained of.

Dated this day of 19 .

(*Seal.*) (*Signature.*)

VI.—ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS

(*See section 78.*)

To the Police-officer in charge of the Police-station at

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served , and whereas it has been shown to my satisfaction [illegible]

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees which you may find within the Nizamat of and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of 19 .

(*Seal.*) (*Signature.*)

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED.

(*See section 78.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

[illegible] *name, description and* [illegible] committed) the offe[illegible] of the Jaipur Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said [illegible] it has been [illegible] (*or* is [illegible] thereupon [illegible] has been or is being duly issued and published requiring

the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to the State in the village (*or town*) of , in the Nizamat of , *viz.*, , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of 19 .

(*Seal.*) (*Signature.*)

ORDER AUTHORIZING AN ATTACHMENT BY THE NAZIM.
(*See section 78*).

To the Nazim of

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of, punishable under section of the Jaipur Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant) and thereupon a Proclamation has been or is being duly issued and published requiring the said to appear to answer the said charge within days, ; and whereas the said is possessed of certain land in the village (*or* town) of in the Nizamat of

You are [illegible] the said land to be attached, an[illegible] the further order of this Court, [illegible] have done in pursuance of this order.

Dated this day of 19 .

(*Seal.*) (*Signature.*)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.
(*See section 80.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant.*)

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of* [illegible] whereas I [illegible] a wit- [illegible]

This is to authorize and require you to arrest the said (*name*), and on the day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*)

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(See section 87.)

To (*name and designation of the police-officer or other person or persons who is or are to execute the warrant.*)

WHEREAS information has been laid (*or* complaint has been made) before me of the commission (*or* suspected commission) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the inquiry now being made or about to be made into the said offence or suspected offence;

This is to authorize and require you to search for the said (*the thing specified*) in the (*describe the house or place or part thereof to which the search is to be confined*) and, if found to produce the same forthwith before this Court, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(See section 89.)

To (*name and designation of a Police-officer above the rank of a Constable.*)

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the (*describe the house or other place*) is used as a place for the deposit (*or sale*) of stolen property (*or if for either of the other purpose expressed in the section state the purpose in the words of the section*);

This is to authorize and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or if the search is to be confined to a part specify the part clearly*) and to seize and take possession of any property (*or* documents, *or* stamps, *or* seals, *or* coins, *as the case may be*)—[Add (*when the case requires it*) and also of any instrument and materials which you may reasonably believe to be kept for the manufacture of forged documents, *or* counterfeit stamps, *or* false seals, *or* counterfeit coin (*as the case may be*)], and forthwith to bring before this Court such of the said things as may be taken possession of, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of 19 .
(*Seal.*) (*Signature.*)

X.—BOND TO KEEP THE PEACE.

(See section 105.)

WHEREAS I (*name*), inhabitant of (*place*), have been called upon to enter into a bond to keep the peace, for the term of, } or until the completion of the inquiry in the matter of now pending in the Court of , I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term or until the completion of the said

inquiry and in case of my making default therein, I hereby bind myself to forfeit to the Ruler of the State, the sum of rupees .

Dated this day of 19 .

(*Signature.*)

XI.—BOND FOR GOOD BEHAVIOUR.

(*See sections 106, 107 and 108.*)

WHEREAS I *(name)*, inhabitant of *(place)*, have been called upon to enter into a bond to be of good behaviour to the Ruler of the State and to all His subjects for the term of (*state the period*), (or until the completion of the inquiry in the matter of now pending in the Court of] I hereby bind myself to be of good behaviour to the said Ruler and to all His subjects during the said term or until the completion of the said inquiry, and, in case of my making default therein, I bind myself to forfeit to the said Ruler the sum of rupees.

Dated this day of 19 .

(*Signature.*)

(*Where a bond with sureties to be executed, add*)—We do hereby declare ourselves sureties for the abovenamed that he will be of good [illegible] term [illegible] defau [illegible] said Ruler the sum of rupees .

Dated this day of 19 .

(*Signature.*)

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(*See section 111.*)

To of

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*), and that you are likely to commit a breach of the peace (*or* by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (*or* by a duly authorized agent) at the Office of the Magistrate of on the day of 19 , at o'clock in the forenoon, to show cause why you should not be required [illegible] (*when sureties are required add,* [illegible] nd of one (*or* two, *as the case may be*) [illegible] (each *if more than one*) that you will keep the [illegible] term of .

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(*See section 120.*)

To the Superintendent (*or* Keeper) of Jail at .

WHEREAS (*name and address*) appeared before me in person (*or* his authorized agent) on the day of

in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (*or* a bond with two sureties each in rupees), [illegible] keep the peace for the period of . order was then made requiring the said , such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said *period* of (*term of imprisonment*) unless he shall in the meantime (be lawfully ordered to be released) and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature*)

XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(*See section 120.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the district of having no ostensible means of subsistence (*or*, that he is unable to give any satisfactory account of himself,)

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded, from which it appears that he is an habitual robber (*or* housebreaker, etc., *as the case may be*);

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*st*[illegible] bond with one surety (*or* two or more s[illegible] for rupees , and the said s[illegible] for rupees , [illegible] o comply with the said order and for such [illegible] risonment for (*state the term*) unless the [illegible] ;

This is to authorize and require [illegible] keeper), to receive the said (*name*) in[illegible] warrant, and him safely to keep in[illegible] (*term of imprisonment*) unless he shall in the meantime be lawfully ordered to be released and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See Sections 120 and 121.*)

To the Superintendent (*or* keeper) of the Jail at

(*or other officer in whose custody the person is.*)

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of the Court, dated the day of

and has since duly given security under section of the Code of Criminal Procedure;

or

and there has appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court this day of 19 .

(*Seal.*) (*Signature.*)

XVI.—ORDER FOR THE REMOVAL OF NUISANCES.
(*See section 129.*)

To (*name, description and address.*)

WHEREAS it has been made to appear to me that you have caused an obstruction (*or* nuisance) to persons using the public roadway (*or other public place*) which etc., (*describe the road or public place*), by etc., (*state which it is that causes the obstruction or nuisance*), and that such obstruction (*or* nuisance) still exists ;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade or occupation and the place where it is carried on*), and that the same is injurious to the public health (*or* comfort) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place ,

or

[illegible] that you are owner (*or* are [illegible] tank (*or* well *or* excava- [illegible] *oroughfare*), and that the [illegible] the said tank (*or* well *or* exavation) being without a fence (*or* insecurely fenced);

or

WHEREAS, etc., etc., (*as the case may be*);

I do hereby direct and require you within (*state the time allowed*) to (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the pl[illegible] where it is now carried on, or to app[illegible] ;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*), or to appear, etc.,

or

I do hereby direct and require you, etc., (*as the case may be*).

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XVII.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, ETC., OF A NUISANCE.

(*See section 137.*)

To (*name description and address*).

WHEREAS it has been made to appear to me that, etc., (*state the proper recital, guided by* Form No. XVI or Form No. XVIII *as the case may be*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, etc., (*as the case may be*).

Given under my hand and the seal of the Court, this day of 19 .

(*Seal*) (*Signature*)

XVIII.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, ETC.,

(*See section 138.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you are in possession (or have the management) of (*describe clearly the property*), and that in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road,

or

WHEREAS it has been made to appear to me that you and a number of [illegible] to meet and proceed [illegible] (*as the case may be*) [illegible] affray;

or

WHEREAS, etc., etc., (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from land on any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (or *as the case recited may require*).

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature*)

XIX.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, ETC., IN DISPUTE.

(*See section 139.*)

IT appearing to me, on the grounds duly recorded, that a dispute likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*), situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due inquiry had thereupon without reference to the merits of the claim of either possession, that the claim of actual *or description*) is true;

I do decide and declare that he is (*or* they are) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or* their) possession in the meantime.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XX.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, ETC.

(*See section 140.*)

To the Police-officer in charge of the Police station at [*or*, To the Nazim of].

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute,*) and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained, and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Sign

XXI.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANYTHING ON LAND OR WATER.

(*See section 141.*)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate wit
the possession of which land (*or* water)
the person or persons,) and it appearin
same, that the said land (*or* water) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons describe him or them*) and (*if the* he said
use has been enjoyec he said
inquiry (*or if the us* during
the last of the season ");

I do order that the said (*the claimant or claimants of possession*), or any one in their interest shall not take (*or* retain) possession of the said land (*or* water) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or* they) shall obtain the decree or order of a competent Court adjudging him (*or* them) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XXII.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE-OFFICER.

(*See section 162.*)

I (*name*), of , being charged with the offence of

and after inquiry required to appear before the Magistrate of

or

and after inquiry called upon to enter into my own recognizance to, appear when required, do hereby bind myself to appear at , in the Court of , on the day of

next (*or* on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to the Ruler of the State, the sum of rupees

Dated this day of 19 .

(*Signature.*)

I hereby declare myself (*or* we jointly and severally declare ourselves and each of us] surety [*or* sureties] for the abovesaid that he shall attend at , in the Court of , on the day of next [*or on* such day as he may hereafter be required to attend], further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself [*or* we, hereby bind ourselves] to forfeit to the Ruler of the State, the sum of rupees

Dated this day of 19 .

(*Signature.*)

XXIII.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(See section 163.)

I [*name*], of [*place*], do hereby bind myself to attend at in the Court of at o'clock on the day of next and then and there to prosecute [*or* to prosecute and give evidence] [*or* to give evidence] in the matter of a charge of against one *A. B.*, and, in case of making default herein, I bind myself to forfeit to the Ruler of the State, the sum of rupees .

Dated this day of 19 .

(Signature.)

XXIV.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(See section 204.)

THE Magistrate of hereby gives notice that he has committed one for trial at the next Sessions, and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that, etc. [*state the offence as in the charge*].

Dated this day of 19 .

(Signature.)

XXV—CHARGES.

(See sections 207, 208, 209.)

(I) CHARGES WITH ONE HEAD.

[*a*] I [*name and office of Magistrate, etc.*,] hereby charge you [*name of accused person*] as follows —

[*b*] that you, on or about the day of , at , waged war against His Majesty the King Emperor of India or Ruler of the State and thereby committed an offence punishable under section 112 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

On Penal Code, section 112

[*c*] And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

To be substituted for (*b*) :—

[2] That you, on or about the day of , at with the intention of inducing the Hon'ble *A. B.*, Member of the Chief executive Government of Jaipur State, to refrain from exercising a lawful power as such Member, assaulted such Member, and

On section 116.

thereby committed an offence punishable under section 116 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

[3] That you, being a public servant in the

Department, directly accepted from *[state the name]*, for another party *[state the name]* a gratification other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 151 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

On section 151.

[4] That you, on or about the day of , at , did [or omitted to do, *as the case may be*] such conduct being contrary to the provisions of Act , section , and [illegible] , and thereby commit- [illegible] the Jaipur Penal Code, and [illegible]

On section 156.

[5] That you on, or about the day of , at in the course of the trial of before , stated in the evidence that " " which statement you ei[illegible] to be true, and thereby [illegible] of the Jaipur Penal Co[illegible] Session.

On section 182.

[6] That you, on or about the day of , at committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 292 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

On section 292.

[7] That you, on or about the day of , at abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 295 of the Jaipur Penal Code, and within the cognizance of the Court of Session

On section 295.

[8] That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 314 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

On section 314.

[9] That you, on or about the day of , at , robbed *[state the name]*, and thereby committed an offence punishable under section 381 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

On section 381.

[10] That you, on or about the day of , at [illegible] e under [illegible] within

On section 381.

[In cases tried by Magistrates substitute "within my cognizance" *for* "within the cognizance of the Court of Session," and in [c] omit "by the said Court."]

(II) CHARGE WITH TWO OR MORE HEADS.

[a] I *[name and office of Magistrate, etc.]* hereby charge you *[name of accused person]* as follows:—

[b] *First*—That you on or about the day of , at knowing a coin to be counterfeit, delivered the same to another person by name *A. B.*, as genuine, and thereby committed an offence punishable under section 228 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

On section 228.

Secondly.—That you, on or about the day of , at [illegible] induce another person by name [illegible] committed an offence punishable [illegible] Code, and within the cognizance of the Court of Session.

[c] And I hereby direct that you be tried by the said Court on the said charge.

[Signature and seal of the Magistrate.]

[To be substituted for (b)] .—

[2] *First*—That you, on or about the day of , at [illegible] Code, and within the cognizance of the Court of Session.

On sections 290 and 292.

Secondly.—That you, on or about the day of , at , by causing the death of , commited culpable homicide not amounting to murder, and thereby committed an offence punishable under section 292 of the Jaipur Penal Code, and within the cognizance of the Court of Session

[3] *First*.—That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 368 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

On sections 368 and 371

Secondly.—That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft and thereby commited an offence punishable under section 371 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

Thirdly.—That you, on or about the day of , at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 371 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

Fourthly.—That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 371 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

[4] That you, on or about the day of , in the course of the inquiry into before , stated in evidence that " " and that you on or about the day of , at , in the course of the trial of , before , stated in the evidence that " ", one of which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 182 of the Jaipur Penal Code, and within the cognizance of the Court of Session.

Alternative charge on section 182

[*In cases tried by Magistrate substitute*] "within my cognizance" *for* "within the cognizance of the Court of Session" *and in* [*c*] *omit* "by the said Court."]

(III) CHARGE FOR THEFT AFTER PREVIOUS CONVICTION.

I [*name and office of Magistrate, etc.*], hereby charge you [*name of accused person*] as follows :—

That you, on or about the day of , at committed theft, and thereby committed an offence punishable under section 308 of the Jaipur Penal Code, and within the cognizance of the Court of Session [or MAGISTRATE *as the case may be*].

And you, the said [*name of accused*], stand further charged that you,
that is to say on the
he [*state Court by which convic-*
ffence punishable under Chapter
risonment for a term of three
reaking by night [*describe the*
under which the accused was
ll force and effect and that you
under section 63 of the Jaipur

And I hereby direct that you be tried, etc.

XXVI.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See sections* 231 *and* 245.)

To the Superintendent [or Keeper] of the Jail at

WHEREAS on the day of 19 . (*name of prisoner*) the, (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. , was convicted before me (*name and offi*
mention the offence or offences concid.
the Jaipur Penal Code (*or of* Act

), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you, the said Superintendent (*or* Keeper) to receive the said (*prisoner's name*) into your custody in the said Jail together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XXVII. WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY ATTACHMENT AND SALE.

(*See section 236.*)

o the Superintendent (*or* Keeper) of the Jail at,

WHEREAS (*name and description*) has brought against (*name and* ᵉscription of the accused person) the complaint that (*mention it concisely*) ıd the same has been dismissed as false and frivolous (*or* vexatious), and ıe order of dismissal awards payment by the said (*name of complainant*) ᶠ the sum of rupees as amends; and whereas the said sum has ot been paid and an order has been made for his simple imprisonment : Jail for the period of days, unless the aforesaid sum be sooner aid.

the said Superintendent (*or* keep- ustody, together with this warrant · the said period of (*term of impri- onment*), subject to the provisions of section 57 of the Jaipur Penal Code, ınless the said sum be sooner paid, and on the receipt thereof, forthwith to et him at liberty returning this warrant, with an endorsenment, certify- ng the manner of its execution.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XXVIII.—SUMMONS TO WITNESS

(*See sections 67 and 238.*)

To of

WHEREAS complaint has been made before me that has (*or* is suspected to have) committed the offence of (*state the offence concisely with time and place*), and it appears to me that you are likely to give material evidence for the prosecution;

You are hereby summoned to appear before this Court on the

day of next at o'clock, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that, if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal*) (*Signature.*)

XXIX.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(See section 291.)

To the Superintendent (*or* keeper) of the Jail at

WHEREAS at the Session held before me on the day of 19 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the Jaipur Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Durbar;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*prisoner's name*) into your custody in the

and him there safely to keep until you

order of this Court carrying into effect

Court.

Given under my hand and the seal of the Court, this day of , 19 .

(*Seal.*) (*Signature.*)

XXX.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(See Section 298.)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name of prisoner*) the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the Session held before me on the day of , 19 , has been by warrant of this Court, dated the day of , committed to your custody under sentence of death; and whereas the order of the Durbar confirming the said sentence has been received by this Court;

This is to authorize and require you, the said Superintendent (*or*

tion)

that

the sentence has been executed.

Given under my hand and the seal of the Court, this day of 19

(*Seal*) (*Signature*)

XXXI.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(See Sections 298 and 299.)

To the Superintendent (*or* keeper) of the Jail at

WHEREAS at a Session held on the day of 19 ,
(*name of pri* prisoner in case
No of ed of the offence
of aipur Penal Code,
and sentenced to and was thereupon commited to your custody;

and whereas by the order of the Durbar (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to punishment of imprisonment for life (*or as the case may be*);

This is to authorize and require you, the said Superintendent (*or* Keeper) safely to keep the said (*prisoner's name*) in your custody in the said Jail and there to carry into execution the punishment of imprisonment under the said order according to law.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal*) (*Signature.*)

XXXII.—WARRANT TO LEVY A FINE BY ATTACHMENT AND SALE

(*See section 303* .) (*1*) (*a*).

To (*name and designation of the police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS (*name and description of the offender*) *was on the day of* 19 , convicted before me of the offence of (*mention the offence concisely*), and sentenced to pay a fine of rupees ; and whereas the said (*name*), although required to pay the said fine, has not paid the same or any part thereof;

This is to authorize and require you to attach any moveable property belonging to the said (*name*) *which may be found within the district* of [illegible] *hours allowed*) next after [illegible] (*or* forthwith), to sell the [illegible] of as shall be sufficient to [illegible] h an endorsement certifying [illegible] its execution.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal*) *Signature.*)

XXXIII. BOND FOR APPEARANCE OF OFFENDER RELEASED PENDING REALISATION OF FINE.

(*See section 305.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been sentenced to pay a fine of rupees [illegible] to undergo imprisonment for [illegible] pleased to order my release on conditi[illegible] for my appearance on the following date (*or* dates) namely.—;

I hereby bind myself to appear before the Court of at o'clock on the following date (*or* dates) namely.—and in case of making default herein, I bind myself to forfeit to the Ruler of the State the sum of Rupees.

Dated this day of 19 .

(*Signature.*)

Where a bond with sureties is to be executed, add—

We do hereby declare ourselves sureties for the abovenamed that he will appear before the Court of on the following date (*or* dates)

namely :—and, in case of his making default therein, we bind overselves jointly and severally to forfeit to the Ruler of the State, the sum of Rupees

(*Signature.*)

XXXIV.—Warrant of Commitment in certain cases of Contempt when a Fine is imposed.

(*See section 370*)

To the Superintendent (*or* Keeper) of the Jail at

Whereas at a Court holden before me on this day (*name and description of the offender*) in the presence (*or* view) of the Court committed wilful contempt,

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees , or in default to suffer simple imprisonment for the space of (*state the number of months or days*);

This is to authorize and require you, the Superintendent (*or* Keeper) of the said Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said paid; and on th ; this warrant

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XXXV.—Magistrate's or Judge's Warrant of Commitment of Witnesses refusing to answer.

(*See section 375.*)

To (*name and description of officer of Court*).

Whereas (*name and description*), being summoned (*or* brought before this Court) as a witness and this day required to give evidence on an inquiry answer a certain question (*or* certain said alleged offence, and duly recorded for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorize and require you to take the said (*name*) into custody and him safely to keep in your custody for the space of days unless in the meantime he shall consent to be examined and to answer said days, or forthwith this Court to be dealt endorsement certify-

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XXXVI—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A MAGISTRATE.

(*See sections 382 and 385.*)

I (*name*), of (*place*), being brought before the Magistrate of (*as the case may be*) charged with the offence of , and required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge and, should the case be sent for trial by the Court of Session, to be, and appear before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit to the Ruler of the Jaipur State the sum of rupees.

Dated this day of 19 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the said (*name*) that he shall attend at the Court of on every day of the preliminary inquiry ... e case be sent for trial ... before the said Court ... of his making default ... orfeit to the Ruler of the State, the sum of rupees.

Dated this day of 19 .

(*Signature.*)

XXXVII—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See section 386.*)

To the Superintendent (*or* Keeper) of the Jail at

(*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court dated the day of and has since with his surety (*or* sureties) duly executed a bond under section 385 of the Code of Criminal Procedure,

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XXXVIII.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.

(*See section 400.*)

To the Police-officer in charge of the Police-station at.

WHE[illegible] *person*), has failed to appear on [illegible] recognizance, and has by [illegible] he sum of rupees (*th*[illegible] said (*name of person*) has, on due [illegible] n or show any sufficient cause why [illegible] st him;

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the Nizamat of by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached or so much of it as may be sufficient to realise the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XXXIX.—NOTICE TO SURETY ON BREACH OF A BOND.

(*See section 400*)

To of

WHEREAS on the day of 19 . you became surety for (*name*) of (*place*) tha the should appear before this Court on the day of and bound yourself in default thereof to forfeit the sum of rupees to the Ruler of the State; and whereas the said (*name*) has failed to appear before this Court and by reason of such default you have forfeited the aforesaid sum of rupees ,

You are hereby required to pay the said penalty or show cause, within days from this date why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XL.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See section 400*)

To of

WHEREAS on the day of 19 . you became surety by a bond for (*name*) of (*place*) that he would be of good behaviour for the period of and bound yourself in default thereof to forfeit the sum of rupees to the Ruler of the State; and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) commited since you became such surety, whereby your security bond has become forfeited;

You are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*

XLI.—WARRANT OF ATTACHMENT AGAINST SURETY.

(*See section 400.*)

To of

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said

(*name*), has made default, and thereby forfeited to the Ruler of the State, the sum of rupess (*the penalty in the bond*);

This is to authorize and require you to attach any moveable property of the said (*name*) which you may find within the Nizamat of

paid within three
s may be sufficient
hat you have done

Given under my hand and the seal of the Court, this
day of 19 .

(*Seal.*) (*Signature.*)

XLII.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(*See section 400.*)

To the Superintendent (*or* Keeper) of the Civil Jail at

WHE

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has ther
has beer

. for

This is to authorize and require you, the said Superintendent (*or*
ito your custody with this warrant
for the said (*term of imprisonment*)
ndorsement certifying the manner of
its execution.

Given under my hand and the seal of the Court, this
day of 19 .

(*Seal.*) (*Signature.*)

XLIII.—NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.

(*See section 400.*)

To (*name, description and address*).

WHEREAS on the day of 19 you entered into a bond not to commit, etc., (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees , or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of 19 .

(*Seal.*) (*Signature*

XLIV.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(See section 400.)

To (*name and designation of Police-officer*), at the Police station of

WHEREAS (*name and description*) did on the day of 19 , enter into a bond for the sum of rupees binding himself not to commit a breach of the peace, etc., (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded, and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum.

seizure moveable pro- ... rupees which ... the said sum be not paid within , to sell the property so attached or so much of it as may be sufficient to realise the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XLV.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(See section 400.)

To the Superintendent (or Keeper) of the Civil Jail at

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby ... the *sum of rupees* , and wh ... the said sum or to show cause ... payment thereof cannot be enforced ... , and an order has been made ... in the Civil Jail for the period of (*term of imprisonment*);

... the said Superintendent (or ... said (*name*) into your custody ... keep in the said Jail for the, ... return this warrant with an ... cution.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal*) (*Signature.*)

XLVI.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(See section 400.)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address*) did, on the day of

19 , give security by bond in the sum of rupees for the good behaviour of (*name, etc., of tl*
me and duly recorded of the
ence of whereby
notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

perty
you
withi
sufficient to realise the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 19 .

(*Seal.*) (*Signature.*)

XLVII.—WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See section 400.*)

To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS (*name, description and address*) did, on the day of 19 , give security by bond in the sum of rupees for the good behaviour of (*name, etc., of the principal*), and proof of the breach
ecorded, whereby the
sum of rupees
show cause why the said sum should not be paid although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

you, the Superintendent (*or* Keeper)
r custody together with this Warrant,
l Jail for the said period of (*term of imprisonment*), returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 19 .

(*Signature.*)